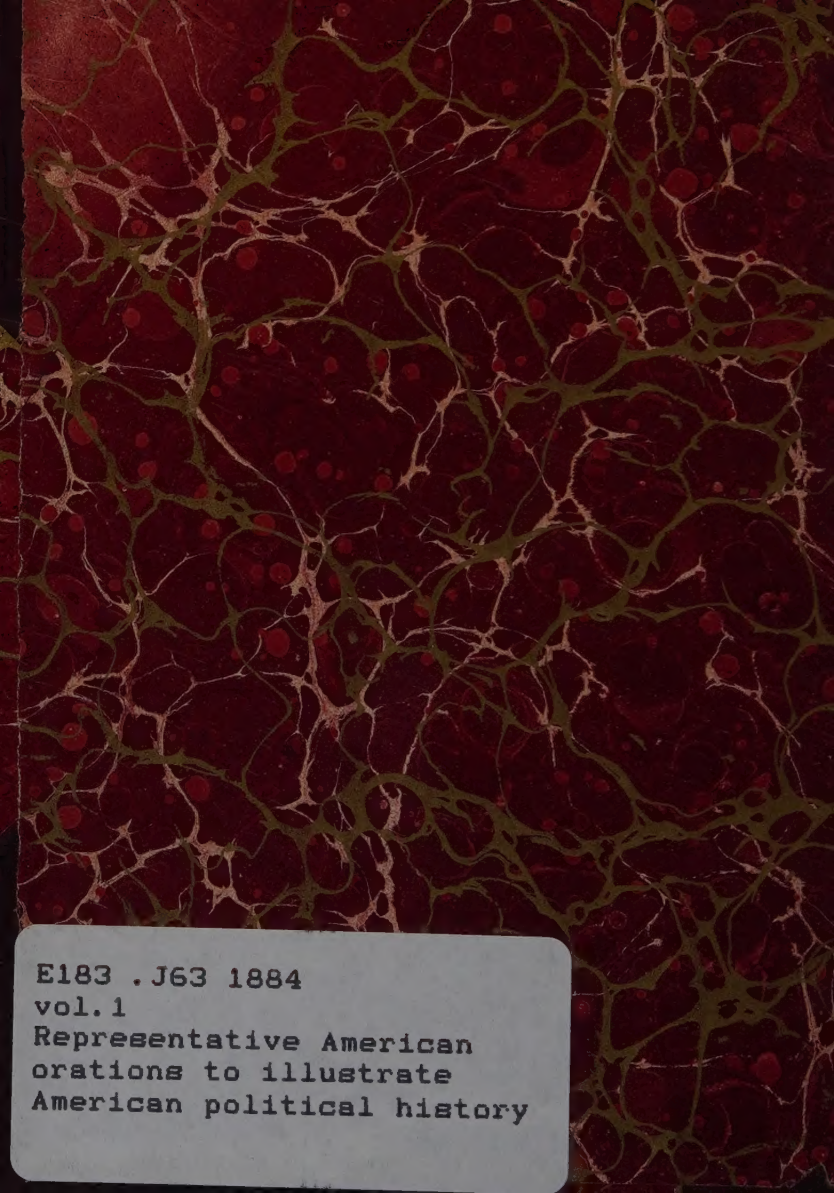
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REPRESENTATIVE
AMERICAN ORATIONS

TO ILLUSTRATE

AMERICAN POLITICAL HISTORY

EDITED, WITH INTRODUCTIONS

BY

ALEXANDER JOHNSTON

LATE PROFESSOR OF JURISPRUDENCE AND POLITICAL ECONOMY IN THE COLLEGE OF NEW JERSEY

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INTRODUCTORY.

ALL authorities are agreed that the political history of the United States, beyond much that is feeble or poor in quality, has given to the English language very many of its most finished and most persuasive specimens of oratory. It is natural that oratory should be a power in a republic; but, in the American republic, the force of institutions has been reinforced by that of a language which is peculiarly adapted to the display of eloquence. Collections of American orations have been numerous and useful, but the copiousness of the material has always proved a source of embarrassment. Where the supply is so abundant, it is exceedingly difficult to make selections on any exact system, and yet impossible to include all that has a fair claim to the distinctive stamp of oratory. The results have been that our collections of public

speeches have proved either unsatisfactory or unreasonably voluminous.

The design which has controlled the present collection has been to make such selections from the great orations of American history as shall show most clearly the spirit and motives which have actuated its leaders, and to connect them by a thread of commentary which shall convey the practical results of the conflicts of opinion revealed in the selections. In the execution of such a work much must be allowed for personal limitations; that which would seem representative to one would not seem at all representative to others. It will not be difficult to mark omissions, some of which may seem to mar the completeness of the work very materially; the only claim advanced is that the work has been done with a consistent desire to show the best side of all lines of thought which have seriously modified the course of American history. Some great names will be missed from the list of orators, and some great addresses from the list of orations; the apology for their omission is

that they have not seemed to be so closely related to the current of American history or so operative upon its course as to demand their insertion. Any errors under this head have occurred in spite of careful consideration and anxious desire to be scrupulously impartial.

Very many of the orations selected have been condensed by the omission of portions which had no relevancy to the purpose in hand, or were of only a temporary interest and importance. Such omissions have been indicated, so that the reader need not be misled, while the effort has been made to so manage the omissions as to maintain a complete logical connection among the parts which have been put to use. A tempting method of preserving such a connection is, of course, the insertion of words or sentences which the speaker might have used, though he did not; but such a method seemed too dangerous and possibly too misleading, and it has been carefully avoided. None of the selections contain a word of foreign matter, with the exception of one of Randolph's speeches

and Mr. Beecher's Liverpool speech, where the matter inserted has been taken from the only available report, and is not likely to mislead the reader. For very much the same reason, foot-notes have been avoided, and the speakers have been left to speak for themselves.

Such a process of omission will reveal to any one who undertakes it an underlying characteristic of our later, as distinguished from our earlier, oratory. The careful elaboration of the parts, the restraint of each topic treated to its appropriate part, and the systematic development of the parts into a symmetrical whole, are as markedly present in the latter as they are absent in the former. The process of selection has therefore been progressively more difficult as the subject-matter has approached contemporary times. In our earlier orations, the distinction and separate treatment of the parts is so carefully observed that it has been comparatively an easy task to seize and appropriate the parts especially desirable. In our later orations, with some exceptions, there is an evidently de-

creasing attention to system. The whole is often a collection of *disjecta membra* of arguments, so interdependent that omissions of any sort are exceedingly dangerous to the meaning of the speaker. To do justice to his meaning, and give the whole oration, would be an impossible strain on the space available; to omit any portion is usually to lose one or more buttresses of some essential feature in his argument. The distinction is submitted without any desire to explain it on theory, but only as a suggestion of a practical difficulty in a satisfactory execution of the work.

The general division of the work has been into (1) Colonialism, to 1789; (2) Constitutional Government, to 1801; (3) the Rise of Democracy, to 1815; (4) the Rise of Nationality, to 1840; (5) the Slavery struggle, to 1860; (6) Secession and Reconstruction, to 1876; (7) Free Trade and Protection. In such a division, it has been found necessary to include, in a few cases, orations which have not been strictly within the time limits of the topic, but have had a close

logical connection with it. It is hoped, however, that all such cases will show their own necessity too clearly for any need of further explanation or excuse.

The work will be completed in three volumes.

PRINCETON, N. J., *July* 1, 1884.

I.

COLONIALISM.

THE FORMATION OF THE CONSTITUTION.

I.

COLONIALISM.

THE FORMATION OF THE CONSTITUTION.

It has been said by an excellent authority that the Constitution was "extorted from the grinding necessities of a reluctant people." The truth of the statement is very quickly recognized by even the most surface student of American politics. The struggle which began in 1774–5 was the direct outcome of the spirit of independence. Rather than submit to a degrading government by the arbitrary will of a foreign Parliament, the Massachusetts people chose to enter upon an almost unprecedented war of a colony against the mother country. Rather than admit the precedent of the oppression of a sister colony, the other

colonies chose to support Massachusetts in her resistance. Resistance to Parliament involved resistance to the Crown, the only power which had hitherto claimed the loyalty of the colonists; and one evil feature of the Revolution was that the spirit of loyalty disappeared for a time from American politics. There were, without doubt, many individual cases of loyalty to "Continental interests"; but the mass of the people had merely unlearned their loyalty to the Crown, and had learned no other loyalty to take its place. Their nominal allegiance to the individual colony was weakened by their underlying consciousness that they really were a part of a greater nation; their national allegiance had never been claimed by any power.

The weakness of the confederation was apparent even before its complete ratification. The Articles of Confederation were proposed by the Continental Congress, Nov. 15, 1777. They were ratified by eleven States during the year 1778, and Delaware ratified in 1779.

Maryland alone held out and refused to ratify for two years longer. Her long refusal was due to her demand for a national control of the Western territory, which many of the States were trying to appropriate. It was not until there was positive evidence that the Western territory was to be national property that Maryland acceded to the articles, and they went into operation. The interval had given time for study of them, and their defects were so patent that there was no great expectation among thinking men of any other result than that which followed. The national power which the confederation sought to create was an entire nonentity. There was no executive power, except committees of Congress, and these had no powers to execute. Congress had practically only the power to recommend to the States. It had no power to tax, to support armies or navies, to provide for the interest or payment of the public debt, to regulate commerce or internal affairs, or to perform any other function of an efficient national government. It was

merely a convenient instrument of repudiation for the States; Congress was to borrow money and incur debts, which the States could refuse or neglect to provide for. Under this system affairs steadily drifted from bad to worse for some six years after the formal ratification of the articles. There seemed to be no remedy in the forms of law, for the articles expressly provided that no alteration was to be made except by the assent of every State. Congress proposed alterations, such as the temporary grant to Congress of power to levy duties on imports; but these proposals were always vetoed by one or more states.

In 1780, in a private letter, Hamilton had suggested a convention of the States to revise the articles, and as affairs grew worse the proposition was renewed by others. The first attempt to hold such a convention, on the call of Virginia, was a failure; but five States sent delegates to Annapolis, and these wisely contented themselves with recommending another convention in the following year. Congress

was persuaded to endorse this summons; twelve of the States chose delegates, and the convention met at Philadelphia, May, 14, 1787. A quorum was obtained, May 25th, and the deliberations of the convention lasted until Sept. 28th, when the Constitution was reported to Congress.

The difficulties which met the convention were mainly the results of the division of the States into large and small States. Massachusetts, Connecticut, Virginia, North Carolina, and Georgia, the States which claimed to extend to the Mississippi on the west and cherished indefinite expectations of future growth, were the "large" States. They desired to give as much power as possible to the new national government, on condition that the government should be so framed that they should have control of it. The remaining States were properly "small" states, and desired to form a government which would leave as much power as possible to the States. Circumstances worked strongly in favor of a reasonable result. There never were more

than eleven States in the convention. Rhode Island, a small State, sent no delegates. The New Hampshire delegates did not appear until the New York delegates (except Hamilton) had lost patience and retired from the convention. Pennsylvania was usually neutral. The convention was thus composed of five large, five small, and one neutral State; and almost all its decisions were the outcome of judicious compromise.

The large States at first proposed a Congress in both of whose Houses the State representation should be proportional. They would thus have had a clear majority in both Houses, and, as Congress was to elect the President, and other officers, the government would thus have been a large State government. When "the little States gained their point," by forcing through the equal representation of the States in the Senate, the unsubstantial nature of the "national" pretensions of the large States at once became apparent. The opposition to the whole scheme centred in the large States, with

very considerable assistance from New York, which was not satisfied with the concessions which the small States had obtained in the convention. The difficulty of ratification may be estimated from the final votes in the following State conventions: Massachusetts, 187 to 168; New Hampshire, 57 to 46; Virginia, 89 to 79; and New York, 30 to 27. It should also be noted that the last two ratifications were only made after the ninth State (New Hampshire) had ratified, and when it was certain that the Constitution would go into effect with or without the ratification of Virginia or New York. North Carolina did not ratify until 1789, and Rhode Island not until 1790.

The division between North and South also appeared in the convention. In order to carry over the Southern States to the support of the final compromise, it was necessary to insert a guarantee of the slave trade for twenty years, and a provision that three fifths of the slaves should be counted in estimating the population for State representation in Congress. But these

provisions, so far as we can judge from the debates of the time, had no influence against the ratification of the Constitution; the struggle turned on the differences between the national leaders, aided by the satisfied small States, on one side, and the leaders of the State party, aided by the dissatisfied States, large and small, on the other. The former, the Federalists, were successful, though by very narrow majorities in several of the States. Washington was unanimously elected the first President of the Republic; and the new government was inaugurated at New York, March 4, 1789.

The speech of Henry in the Virginia House of Delegates has been chosen as perhaps the best representative of the spirit which impelled and guided the Revolution itself; and a part of the same orator's argument against the Constitution in the Virginia convention will show the manner in which the survival of the same spirit acted against the adoption of an efficient government. It is fortunate that the ablest of the national leaders was placed in the very focus of

opposition to the Constitution, so that we may take Hamilton's argument in the New York convention as the most carefully stated conclusion of the master-mind of the Federal party. To indicate the result the inaugural address of President Washington has been added.

PATRICK HENRY,

OF VIRGINIA

(BORN 1736, DIED 1799).

CONVENTION OF DELEGATES, MARCH 28, 1775.

MR. PRESIDENT:

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope that it will not be thought disrespectful to those gentlemen, if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that

we can hope to arrive at truth, and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason toward my country, and of an act of disloyalty toward the majesty of heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that syren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst and to provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to

justify those hopes with which gentlemen have been pleased to solace themselves and the House? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with these warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motives for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to

oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we any thing new to offer on the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done every thing that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if

we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance, by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of the means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides

over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in snbmission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come!

It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!

PATRICK HENRY,

OF VIRGINIA.

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION—CONVENTION OF VIRGINIA, JUNE 4, 1788.

MR. CHAIRMAN:

The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security, which they enjoy to the present delusive appearance of things. Before the meeting of the late Federal conven-

tion at Philadelphia, a general peace and an universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period, they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the States—a proposal of establishing nine States into a confederacy, to the eventual exclusion of four States. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians; those treaties bound us as thirteen States, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall

abandon all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity or public justice endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our Federal government is of a most alarming nature: make the best of this new government—say it is composed by any thing but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and beg, gentlemen, to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts, that preceded the session of the Federal convention, and the reasons that actuated its members in proposing an entire al-

teration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude, as to warrant a proposal so extremely perilous as this, I must assert, that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late Federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated government instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, "We, the People"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of, "We, the People," instead of We, the States? States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national government of the people of all the States. I have the highest re-

spect for those gentlemen who formed the convention; and were some of them not here, I would express some testimonal of esteem for them. America had on a former occasion put the utmost confidence in them; a confidence which was well placed; and I am sure, sir, I would give up any thing to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor tells me to ask this reason, and sure I am, were he here, he would give us that reason; but there are other gentlemen here who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no danger, no insurrection or tumult, has happened; every thing has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of

human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to the degree of inflammatory resentment, in different parts of the country, which has been occasioned by this perilous innovation. The Federal convention ought to have amended the old system; for this purpose, they were solely delegated; the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

ALEXANDER HAMILTON,

OF NEW YORK

(BORN 1757, DIED 1804).

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION—CONVENTION OF NEW YORK, JUNE 24, 1788.

I AM persuaded, Mr. Chairman, that I in my turn shall be indulged, in addressing the committee. We all, in equal sincerity, profess to be anxious for the establishment of a republican government, on a safe and solid basis. It is the object of the wishes of every honest man in the United States, and I presume that I shall not be disbelieved, when I declare, that it is an object of all others, the nearest and most dear to my own heart. The means of accomplishing this great purpose become the most important study which can interest mankind. It is our duty to examine all those means with peculiar attention, and to choose the best and most effectual. It is our duty to draw from nature,

from reason, from examples, the best principles of policy, and to pursue and apply them in the formation of our government. We should contemplate and compare the systems, which, in this examination, come under our view; distinguish, with a careful eye, the defects and excellencies of each, and discarding the former, incorporate the latter, as far as circumstances will admit, into our Constitution. If we pursue a different course and neglect this duty, we shall probably disappoint the expectations of our country and of the world.

In the commencement of a revolution, which received its birth from the usurpations of tyranny, nothing was more natural, than that the public mind should be influenced by an extreme spirit of jealousy. To resist these encroachments, and to nourish this spirit, was the great object of all our public and private institutions. The zeal for liberty became predominant and excessive. In forming our confederation, this passion alone seemed to actuate us, and we appear to have had no other view than to secure ourselves from despotism. The object certainly was a valuable one, and deserved our utmost attention. But, sir, there is another object equally important, and which our

enthusiasm rendered us little capable of regarding: I mean a principle of strength and stability in the organization of our government, and vigor in its operations. This purpose can never be accomplished but by the establishment of some select body, formed peculiarly upon this principle. There are few positions more demonstrable than that there should be in every republic, some permanent body to correct the prejudices, check the intemperate passions, and regulate the fluctuations of a popular assembly. It is evident, that a body instituted for these purposes, must be so formed as to exclude as much as possible from its own character, those infirmities and that mutability which it is designed to remedy. It is therefore necessary that it should be small, that it should hold its authority during a considerable period, and that it should have such an independence in the exercise of its powers, as will divest it as much as possible of local prejudices. It should be so formed as to be the centre of political knowledge, to pursue always a steady line of conduct, and to reduce every irregular propensity to system. Without this establishment, we may make experiments without end, but shall never have an efficient government.

It is an unqestionable truth, that the body of the people in every country desire sincerely its prosperity; but it is equally unquestionable, that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors by misinformation and passion, would be a flattery which their own good sense must despise. That branch of administration especially, which involves our political relations with foreign states, a community will ever be incompetent to. These truths are not often held up in public assemblies: but they cannot be unknown to any who hear me. From these principles it follows, that there ought to be two distinct bodies in our government: one, which shall be immediately constituted by and peculiarly represent the people, and possess all the popular features; another, formed upon the principle, and for the purposes, before explained. Such considerations as these induced the convention who formed your State constitution, to institute a Senate upon the present plan. The history of ancient and modern republics had taught them, that many of the evils which these republics had suffered, arose from the want of a certain balance and mutual

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control indispensable to a wise administration; they were convinced that popular assemblies are frequently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations was necessary; they, therefore, instituted your Senate, and the benefits we have experienced have fully justified their conceptions. * * *

Gentlemen, in their reasoning, have placed the interests of the several States, and those of the United States in contrast; this is not a fair view of the subject; they must necessarily be involved in each other. What we apprehend is, that some sinister prejudice, or some prevailing passion, may assume the form of a genuine interest. The influence of these is as powerful as the most permanent conviction of the public good; and against this influence we ought to provide. The local interests of a State ought in every case to give way to the interests of the Union; for when a sacrifice of one or the other is necessary, the former becomes only an apparent, partial interest, and should yield, on the principle that the small good ought never to oppose the great one. When you assemble from your several counties

in the Legislature, were every member to be guided only by the apparent interests of his county, government would be impracticable. There must be a perpetual accommodation and sacrifice of local advantages to general expediency; but the spirit of a mere popular assembly would rarely be actuated by this important principle. It is therefore absolutely necessary that the Senate should be so formed, as to be unbiassed by false conceptions of the real interests, or undue attachment to the apparent good of their several States.

Gentlemen indulge too many unreasonable apprehensions of danger to the State governments; they seem to suppose that the moment you put men into a national council, they become corrupt and tyrannical, and lose all their affection for their fellow-citizens. But can we imagine that the Senators will ever be so insensible of their own advantage, as to sacrifice the genuine interest of their constituents? The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress has a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. This

conviction can never leave them, unless they become madmen. While the constitution continues to be read, and its principle known, the States must, by every rational man, be considered as essential, component parts of The Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible.

The objectors do not advert to the natural strength and resources of State governments, which will ever give them an important superiority over the general government. If we compare the nature of their different powers, or the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of representatives throughout the States may be two thousand. Their personal influence will, therefore, be proportionably more extensive than that of one or two hundred men in Congress. The State establishments of civil and military officers of every description, infinitely surpassing in number any possible correspondent establishments in the general government, will create such an extent and complication of attachments, as will ever secure the predilection

and support of the people. Whenever, therefore, Congress shall meditate any infringement of the State constitutions, the great body of the people will naturally take part with their domestic representatives. Can the general government withstand such an united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their Legislatures to be reduced to a shadow and a name? The idea is shocking to common-sense.

From the circumstances already explained, and many others which might be mentioned, results a complicated, irresistible check, which must ever support the existence and importance of the State governments. The danger, if any exists, flows from an opposite source. The probable evil is, that the general government will be too dependent on the State Legislatures, too much governed by their prejudices, and too obsequious to their humors; that the States, with every power in their hands, will make encroachments on the national authority, till the Union is weakened and dissolved.

Every member must have been struck with an observation of a gentleman from Albany. Do what you will, says he, local predjudices and opinions will go into the government.

What! shall we then form a constitution to cherish and strengthen these prejudices? Shall we confirm the distemper, instead of remedying it. It is undeniable that there must be a control somewhere. Either the general interest is to control the particular interests, or the contrary. If the former, then certainly the government ought to be so framed, as to render the power of control efficient to all intents and purposes; if the latter, a striking absurdity follows; the controlling powers must be as numerous as the varying interests, and the operations of the government must therefore cease; for the moment you accommodate these different interests, which is the only way to set the government in motion, you establish a controlling power. Thus, whatever constitutional provisions are made to the contrary, every government will be at last driven to the necessity of subjecting the partial to the universal interest. The gentlemen ought always, in their reasoning, to distinguish between the real, genuine good of a State, and the opinions and prejudices which may prevail respecting it; the latter may be opposed to the general good, and consequently ought to be sacrificed; the former is so involved in it, that it never can be sacrificed.

There are certain social principles in human nature from which we may draw the most solid conclusions with respect to the conduct of individuals and of communities. We love our families more than our neighbors; we love our neighbors more than our countrymen in general. The human affections, like the solar heat, lose their intensity as they depart from the centre, and become languid in proportion to the expansion of the circle on which they act. On these principles, the attachment of the individual will be first and forever secured by the State governments; they will be a mutual protection and support. Another source of influence, which has already been pointed out, is the various official connections in the States. Gentlemen endeavor to evade the force of this by saying that these offices will be insignificant. This is by no means true. The State officers will ever be important, because they are necessary and useful. Their powers are such as are extremely interesting to the people; such as affect their property, their liberty, and life. What is more important than the administration of justice and the execution of the civil and criminal laws? Can the State governments become insignificant while they have

the power of raising money independently and without control? If they are really useful; if they are calculated to promote the essential interests of the people; they must have their confidence and support. The States can never lose their powers till the whole people of America are robbed of their liberties. These must go together; they must support each other, or meet one common fate. On the gentleman's principle, we may safely trust the State governments, though we have no means of resisting them; but we cannot confide in the national government, though we have an effectual constitutional guard against every encroachment. This is the essence of their argument, and it is false and fallacious beyond conception.

With regard to the jurisdiction of the two governments, I shall certainly admit that the Constitution ought to be so formed as not to prevent the States from providing for their own existence; and I maintain that it is so formed; and that their power of providing for themselves is sufficiently established. This is conceded by one gentleman, and in the next breath the concession is retracted. He says Congress has but one exclusive right in taxa-

tion—that of duties on imports; certainly, then, their other powers are only concurrent. But to take off the force of this obvious conclusion, he immediately says that the laws of the United States are supreme; and that where there is one supreme there cannot be a concurrent authority; and further, that where the laws of the Union are supreme, those of the States must be subordinate; because there cannot be two supremes. This is curious sophistry. That two supreme powers cannot act together is false. They are inconsistent only when they are aimed at each other or at one indivisible object. The laws of the United States are supreme, as to all their proper, constitutional objects; the laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing; or they may operate on different parts of the same common object with perfect harmony. Suppose both governments should lay a tax of a penny on a certain article; has not each an independent and uncontrollable power to collect its own tax? The meaning of the maxim, there cannot be two supremes, is simply this—two powers cannot be supreme over each other. This meaning is entirely perverted by the gen-

tlemen. But, it is said, disputes between collectors are to be referred to the federal courts. This is again wandering in the field of conjecture. But suppose the fact is certain; is it not to be presumed that they will express the true meaning of the Constitution and the laws? Will they not be bound to consider the concurrent jurisdiction; to declare that both the taxes shall have equal operation; that both the powers, in that respect, are sovereign and co-extensive? If they transgress their duty, we are to hope that they will be punished. Sir, we can reason from probabilities alone. When we leave common-sense, and give ourselves up to conjecture, there can be no certainty, no security in our reasonings.

I imagine I have stated to the committee abundant reasons to prove the entire safety of the State governments and of the people. I would go into a more minute consideration of the nature of the concurrent jurisdiction, and the operation of the laws in relation to revenue; but at present I feel too much indisposed to proceed. I shall, with leave of the committee, improve another opportunity of expressing to them more fully my ideas on this point. I wish the committee to remember that the Con-

stitution under examination is framed upon truly republican principles; and that, as it is expressly designed to provide for the common protection and the general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State governments or oppress the people.

GEORGE WASHINGTON,

OF VIRGINIA.

(BORN 1732, DIED 1799).

INAUGURAL ADDRESS AS PRESIDENT OF THE UNITED STATES. NEW YORK CITY, APRIL 30, 1789.

Fellow-citizens of the Senate, and of the House of Representatives.—Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and in my flattering hopes with an immutable decision as the asylum of my declining years; a retreat which was rendered every day more necessary, as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste

committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to waken in the wisest and most experienced of her citizens a distrustful scrutiny into his own qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

Such being the impression under which I

have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes; and may enable every instrument, employed in its administration, to execute with success, the functions allotted to his charge. In tendering this homage to the great author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united gov-

ernment, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciouly commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration, such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial

with the feelings which actuate me, to substitute in place of a recommendation of particular measures the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views, nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the preëminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought

to be no less persuaded, that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience; a rev-

erence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question how far the former may be more impregnably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it I must decline, as inapplicable to myself, any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union, and the advancement of their happiness; so His divine blessings may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

II.

CONSTITUTIONAL GOVERNMENT.

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CONSTITUTIONAL government in the United States began, in its national phase, with the inauguration of Washington, but the experiment was for a long time a doubtful one. Of the two parties, the federal and the anti-federal parties, which had faced one another on the question of the adoption of the Constitution, the latter had disappeared. Its conspicuous failure to achieve the fundamental object of its existence, and the evident hopelessnesss of reversing its failure in future, blotted it out of existence. There was left but one party, the federal party; and it, strong as it appeared, was really in almost as precarious a position as its former opponent, because of the very completeness of its success in achieving its fundamental object. Hamilton and Jefferson, two

of its representative members, were opposed in almost all the political instincts of their natures; the former chose the restraints of strong government as instinctively as the latter clung to individualism. They had been accidentally united for the time in desiring the adoption of the Constitution, though Hamilton considered it only a temporary shift for something stronger, while Jefferson wished for a bill of rights to weaken the force of some of its implications. Now that the Constitution was ratified, what tie was there to hold these two to any united action for the future? Nothing but a shadow—the name of a party not yet two years old. As soon, therefore, as the federal party fairly entered upon a secure tenure of power, the divergent instincts of the two classes represented by Hamilton and Jefferson began to show themselves more distinctly until there was no longer any pretence of party unity, and the democratic (or republican) party assumed its place, in 1792–3, as the recognized opponent of the party in power. It would be beside the purpose to

attempt to enumerate the points in which the natural antagonism of the federalists and the republicans came to the surface during the decade of contest which ended in the downfall of the federal party in 1800–1. In all of them, in the struggles over the establishment of the Bank of the United States and the assumption of the State debts, in the respective sympathy for France and Great Britain, in the strong federalist legislation forced through during the war feeling against France in 1798, the controlling sympathy of the republicans for individualism and of the federalists for a strong national government is constantly visible, if looked for. The difficulty is that these permanent features are often so obscured by the temporary media in which they appear that the republicans are likely to be taken as a merely State-rights party, and the federalists as a merely commercial party.

To adopt either of these notions would be to take a very erroneous idea of American political history. The whole policy of the republi-

cans was to forward the freedom of the individual; their leader seems to have made all other points subordinate to this. There is hardly any point in which the action of the individual American has been freed from governmental restraints, from ecclesiastical government, from sumptuary laws, from restrictions on suffrage, from restrictions on commerce, production, and exchange, for which he is not indebted in some measure to the work and teaching of Jefferson between the years of 1790 and 1800. He and his party found the States in existence, understood well that they were convenient shields for the individual against the possible powers of the new federal government for evil, and made use of them. The State sovereignty of Jefferson was the product of individualism; that of Calhoun was the product of sectionalism.

On the other hand, if Jeffersonian democracy was the representative of all the individualistic tendencies of the later science of political economy, Hamiltonian federalism represented the

necessary corrective force of law. It was in many respects a strong survival of colonialism. Together with some of the evil features of colonialism, its imperative demands for submission to class government, its respect for the interests and desires of the few, and its contempt for those of the many, it had brought into American constitutional life a very high ratio of that respect for law which alone can render the happiness and usefulness of the individual a permanent and secure possession. It was impossible for federalism to resist the individualistic tendency of the country for any length of time; it is the monument of the party that it secured, before it fell, abiding guaranties for the security of the individual under freedom.

The genius of the federalists was largely practical. It was shown in their masterly organization of the federal government when it was first entrusted to their hands, an organization which has since been rather developed than disturbed in any of its parts. But the details

of the work absorbed the attention of the leaders so completely that it would be impossible to fix on any public address as entirely representative of the party. Fisher Ames' speech on the Jay treaty, which was considered by the federalists the most effective piece of oratory in their party history, has been taken as a substitute. The question was to the federalists partly of commercial and partly of national importance. John Jay had secured the first commercial treaty with Great Britain in 1795. It not only provided for the security of American commerce during the European wars to which Great Britain was a party, and obtained the surrender of the military posts in the present States of Ohio and Michigan; it also gave the United States a standing in the family of nations which it was difficult to claim elsewhere while Great Britain continued to refuse to treat on terms of equality. The Senate therefore ratified the treaty, and it was constitutionally complete. The democratic majority in the House of Representatives, ob-

jecting to the treaty as a surrender of previous engagements with France, and as a failure to secure the rights of individuals against Great Britain, particularly in the matter of impressment, raised the point that the House was not bound to vote money for carrying into effect a treaty with which it was seriously dissatisfied. The reply of Ames is a forcible presentation of both the national and the commercial aspects of his party; it had a very great influence in securing, though by a very narrow majority, the vote of the House in favor of the appropriation.

There is an equally great difficulty in fixing on any completely representative oration from the republican point of view, and the difficulty is aggravated by the lack of great orators among the republicans. The selection of Nicholas' argument for the repeal of the sedition law has been made for several reasons. It shows the instinctive sympathy of the party for the individual rather than for the government. It shows the force with which this sympathy drove

the party into a strict construction of the Constitution. It seems also to bear the strongest internal indications that it was inspired, if not entirely written, by the great leader of the party, Jefferson. The federalists had used the popular war feeling against France in 1798, not only to press the formation of an army and a navy and the abrogation of the old and troublesome treaties with France, but to pass the alien and sedition laws as well. The former empowered the President to expel from the country or imprison any alien whom he should consider dangerous to the peace and safety of the United States. The latter forbade, under penalty of fine and imprisonment, the printing or publishing of any "false, scandalous, or malicious writings" calculated to bring the Government, Congress, or the President into disrepute, or to excite against them the hatred of the good people of the United States, or to stir up sedition. It was inevitable that the republicans should oppose such laws, and that the people should support them in their oppo-

sition. At the election of 1800, the federal party was overthrown, and the lost ground was never regained. With Jefferson's election to the presidency, began the democratic period of the United States; but it has always been colored strongly and naturally by the federal bias toward law and order.

FISHER AMES,

OF MASSACHUSETTS.

(BORN 1758, DIED 1808.)

ON THE BRITISH TREATY, HOUSE OF REPRESENTATIVES, APRIL 28, 1796.

IT would be strange, that a subject, which has aroused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and therefore not exempt from those passions; as citizens and representatives, we feel the interests that must excite them. The hazard of great interests cannot fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the

discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature—shall we say that man ought to have been made otherwise? It is right already, because He, from whom we derive our nature, ordained it so; and because thus made and thus acting, the cause of truth and the public good is more surely promoted. * * *

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-

preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty, which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A treaty is the promise of a nation. Now, promises do not always bind him that makes them. But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle, and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public.

I confess there seems to be something very like ridicule thrown over the debate by the discussion of the articles in detail. The undecided point is, shall we break our faith? And while our country and enlightened Europe, await the issue with more than curiosity, we are employed to gather piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commer-

cial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber, might net one or two *per centum* more than the present trade to Surinam; would the proof of the fact avail any thing in so grave a question as the violation of the public engagements? * * *

Why do they complain, that the West Indies are not laid open? Why do they lament, that any restriction is stipulated on the commerce of the East Indies? Why do they pretend, that if they reject this, and insist upon more, more will be accomplished? Let us be explicit —more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy, that he was not ardent enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objec-

tion, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot; there will be no naval security while those sea-robbers domineer on the ocean; their den must be destroyed; that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these, we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer; not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are now men and wealth and laws and liberty, there was no more than a sand bank for sea monsters to fatten on; a space for the storms of the ocean to mingle in conflict. * * *

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey

the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he gains protection while he gives it. For, what rights of a citizen will be deemed inviolable when a state renounces the principles that constitute their security? Or if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land. I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke, or a string of beads, gives not merely

binding force but sanctity to treaties. Even in Algiers, a truce may be bought for money, but when ratified, even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive, it was their interest to make others respect, and they would therefore soon pay some respect themselves, to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine, that a republican government, sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what

despots dare not avow, what our own example evinces, the states of Barbary are unsuspected of. No, let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done every thing to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him—he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say to corruption, thou art my father, and to the worm, thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt. * * *

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the Western lands will fall. Settlers will not choose to fix their habitation on a field

of battle. Those who talk so much of the interest of the United States, should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What then are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution to prevent the sale of the Western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war till the negotiation with Great Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages; the traders will gain an influence and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them

to choose between this country and Great Britain, in case the treaty should be rejected. They will not be our friends, and at the same time the friends of our enemies.

But am I reduced to the necesity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts, will call for no other proof than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the Western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the posts, to them I urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask, whether it is not already planted there? I resort especially to the convictions of the Western gentlemen, whether supposing no posts and no treaty, the settlers will remain in security? Can they take it upon them to say, that an Indian peace, under these circumstances, will prove firm? No, sir,

it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme my emotions are unutterable. If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every log-house beyond the mountains. I would say to the inhabitants, wake from your false security; your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the daytime, your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your cornfield; you are a mother—the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings. It is a spectacle of horror, which cannot be overdrawn. If you have nature in your hearts, it will speak a language, compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made me a new champion for the protection of

the frontiers? It is known that my voice as well as vote have been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will any one answer by a sneer, that all this is idle preaching? Will any one deny, that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their subjects? Have the principles on which you ground the reproach upon cabinets and kings no practical influence, no binding force? Are they merely themes of idle declamation introduced to decorate the morality of a newspaper essay, or to furnish petty topics of harangue from the windows of that state-house? I trust it is neither too presumptuous nor too late to ask. Can you put the dearest interest of society at risk without guilt and without remorse.

It is vain to offer as an excuse, that public men are not to be reproached for the evils that may happen to ensue from their measures.

This is very true where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measures that we know will produce them.

By rejecting the posts we light the savage fires—we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be any thing more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case—there can be none. Experience has already been the prophet of events, and the cries of future victims have already reached us. The Western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims that, while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons

our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance, and the shrieks of torture. Already they seem to sigh in the west wind—already they mingle with every echo from the mountains.

It is not the part of prudence to be inattentive to the tendencies of measures. Where there is any ground to fear that these will prove pernicious, wisdom and duty forbid that we should underrate them. If we reject the treaty, will our peace be as safe as if we executed it with good faith? I do honor to the intrepid spirits of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But, as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can. * * *

Is there any thing in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and

shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the ground of matter of fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary one of the people? And is this, in the judgment even of my opposers, to execute, to preserve the constitution and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty, are invulnerable and immortal—as if our happy state was not to be disturbed by our dissentions, and that we are not capable of falling from it by our unworthiness. Some of them have, no doubt, better nerves and better discernment than mine. They can see the bright aspects and the happy consequences of all this

array of horrors. They can see intestine discords, our government disorganized, our wrongs aggravated, multiplied, and unredressed, peace with dishonor, or war without justice, union, or resources, in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the house. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done; they have doubtless resolved what to propose. Why then are they silent? Dare they not avow their plan of conduct, or do they wait till our progress toward confusion shall guide them in forming it?

Let me cheer the mind, weary, no doubt, and ready to despond on this prospect, by presenting another, which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance—without some respect for the measures which, many will say, produced, and all will confess, have preserved, it? Will he not feel some dread that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794 were re-

moved by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calamity? The great interest and the general desire of our people, was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation after the end of the European war. This was gaining every thing, because it confirmed our neutrality, by which our citizens are gaining every thing. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentred in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale,—it will be a baleful meteor portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution.

Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful, and, some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry—as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me, almost equally for much exertion of body or mind. Unprepared for debate, by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent, was imposed by necesity, and would cost me no effort to maintain. With a mind thus vacant of ideas,

and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet, when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led, by my feelings, to speak more at length than I intended. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote shall pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and constitution of my country.

JOHN NICHOLAS,

OF VIRGINIA.

(BORN 1763, DIED 1819.)

ON THE PROPOSED REPEAL OF THE SEDITION LAW—HOUSE OF REPRESENTATIVES, FEB. 25, 1799.

MR. CHAIRMAN:

The Select Committee had very truly stated that only the second and third sections of the act are complained of; that the part of the law which punishes seditious acts is acquiesced in, and that the part which goes to restrain what are called seditious writings is alone the object of the petitions. This part of the law is complained of as being unwarranted by the Constitution, and destructive of the first principles of republican government. It is always justifiable, in examining the principle of a law, to inquire what other laws can be passed with equal reason, and to impute to it all the mischiefs for which it may be used as a precedent.

In this case, little inquiry is left for us to make, the arguments in favor of the law carrying us immediately and by inevitable consequence to absolute power over the press.

It is not pretended that the Constitution has given any express authority, which they claim, for passing this law, and it is claimed only as implied in that clause of the Constitution which says: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." It is clear that this clause was intended to be merely an auxiliary to the powers specially enumerated in the Constitution; and it must, therefore, be so construed as to aid them, and at the same time to leave the boundaries between the General Government and the State governments untouched. The argument by which the Select Committee have endeavored to establish the authority of Congress over the press is the following: "Congress has power to punish seditious combinations to resist the laws, and therefore Congress must have the power to punish false, scandalous, and malicious writings; be-

cause such writings render the Administration odious and contemptible among the people, and by doing so have a tendency to produce opposition to the laws." To make it support the construction of the committee, it should say that "Congress shall have power over all acts which are likely to produce acts which hinder the execution of," etc. Our construction confines the power of Congress to such acts as immediately interfere with the execution of the enumerated powers of Congress, because the power can only be necessary as well as proper when the acts would really hinder the execution. The construction of the committee extends the power of Congress to all acts which have a relation, ever so many degrees removed, to the enumerated powers, or rather to the acts which would hinder their execution. By our construction, the Constitution remains defined and limited, according to the plain intent and meaning of its framers; by the construction of the committee, all limitation is lost, and it may be extended over the different actions of life as speculative politicians may think fit. What has a greater tendency to fit men for insurrection and resistance to government than dissolute, immoral habits, at once destroying love of

order, and dissipating the fortune which gives an interest in society? The doctrine that Congress can punish any act which has a tendency to hinder the execution of the laws, as well as acts which do hinder it, will, therefore, clearly entitle them to assume a general guardianship over the morals of the people of the United States. Again, nothing can have a greater tendency to ensure obedience to law, and nothing can be more likely to check every propensity to resistance to government, than virtuous and wise education; therefore Congress must have power to subject all the youth of the United States to a certain system of education. It would be very easy to connect every sort of authority used by any government with the well being of the General Government, and with as much reason as the committee had for their opinion, to assign the power to Congress, although the consequence must be the prostration of the State governments.

But enough has been said to show the necessity of adhering to the common meaning of the word "necessary" in the clause under consideration, which is, that the power to be assumed must be one without which some one of the enumerated powers cannot exist or be main-

tained. It cannot escape notice, however, that the doctrine contended for, that the Administration must be protected against writings which are likely to bring it into contempt, as tending to opposition, will apply with more force to truth than falsehood. It cannot be denied that the discovery of maladministration will bring more lasting discredit on the government of a country than the same charges would if untrue. This is not an alarm founded merely on construction, for the governments which have exercised control over the press have carried it the whole length. This is notoriously the law of England, whence this system has been drawn; for there truth and falsehood are alike subject to punishment, if the publication brings contempt on the officers of government. * * *

The law has been current by the fair pretence of punishing nothing but falsehood, and by holding out to the accused the liberty of proving the truth of the writing; but it was from the first apprehended, and it seems now to be adjudged (the doctrine has certainly been asserted on this floor), that matters of opinion, arising on notorious facts, come under the law. If this is the case, where is the advantage of

the law requiring that the writing should be false before a man shall be liable to punishment, or of his having the liberty of proving the truth of his writing? Of the truth of facts there is an almost certain test; the belief of honest men is certain enough to entitle it to great confidence; but their opinions have no certainty at all. The trial of the truth of opinions, in the best state of society, would be altogether precarious; and perhaps a jury of twelve men could never be found to agree in any one opinion. At the present moment, when, unfortunately, opinion is almost entirely governed by prejudice and passion, it may be more decided, but nobody will say it is more respectable. Chance must determine whether political opinions are true or false, and it will not unfrequently happen that a man will be punished for publishing opinions which are sincerely his, and which are of a nature to be extremely interesting to the public, merely because accident or design has collected a jury of different sentiments. * * * . . . . .

Is the power claimed proper for Congress to possess? It is believed not, and this will readily be admitted if it can be proved, as I think it can, that the persons who administer the gov-

ernment have an interest in the power to be confided opposed to that of the community. It must be agreed that the nature of our government makes a diffusion of knowledge of public affairs necessary and proper, and that the people have no mode of obtaining it but through the press. The necessity for their having this information results from its being their duty to elect all the parts of the Government, and, in this way, to sit in judgment over the conduct of those who have been heretofore employed. The most important and necessary information for the people to receive is that of the misconduct of the Government, because their good deeds, although they will produce affection and gratitude to public officers, will only confirm the existing confidence and will, therefore, make no change in the conduct of the people. The question, then, whether the Government ought to have control over the persons who alone can give information throughout a country is nothing more than this, whether men, interested in suppressing information necessary for the people to have, ought to be entrusted with the power, or whether they ought to have a power which their personal interest leads to the abuse of. I am sure no candid man will hesi-

tate about the answer; and it may also safely be left with ingenuous men to say whether the misconduct which we sometimes see in the press had not better be borne with, than to run the risk of confiding the power of correction to men who will be constantly urged by their own feelings to destroy its usefulness. * * * How long can it be desirable to have periodical elections for the purpose of judging of the conduct of our rulers, when the channels of information may be choked at their will?

But, sir, I have ever believed this question as settled by an amendment to the Constitution, proposed with others for declaring and restricting its powers, as the preamble declares, at the request of several of the States, made at the adoption of the Constitution, in order to prevent their misconstruction and abuse. This amendment is in the following words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances." There can be no doubt about the effect of this amendment, unless the "freedom of the press" means

something very different from what it seems; or unless there was some actual restraint upon it, under the Constitution of the United States, at the time of the adoption of this amendment, commensurate with that imposed by this law. Both are asserted, viz., that the "freedom of the press" has a defined, limited meaning, and that the restraints of the common law were in force under the United States, and are greater than those of the act of Congress, and that, therefore, either way the "freedom of the press" is not abridged.

It is asserted by the select committee, and by everybody who has gone before them in this discussion, that the "freedom of the press," according to the universally received acceptation of the expression, means only an exemption from all previous restraints on publication, but not an exemption from any punishment Government pleases to inflict for what is published. This definition does not at all distinguish between publications of different sorts, but leaves all to the regulation of the law, only forbidding Government to interfere until the publication is really made. The definition, if true, so reduces the effect of the amendment that the power of Congress is left unlimited

over the productions of the press, and they are merely deprived of one mode of restraint.

The amendment was certainly intended to produce some limitation to legislative discretion, and it must be construed so as to produce such an effect, if it is possible. * * * To give it such a construction as will bring it to a mere nullity would violate the strongest injunctions of common-sense and decorum, and yet that appears to me to be the effect of the construction adopted by the committee. * * * The effect of the amendment, say the committee, is to prevent Government taking the press from its owner; but how is their power lessened by this, when they may take the printer from his press and imprison him for any length of time, for publishing what they choose to prohibit, although it may be ever so proper for public information? The result is that Government may forbid any species of writing, true as well as false, to be published; may inflict the heaviest punishments they can devise for disobedience, and yet we are very gravely assured that this is the "freedom of the press." * * *

A distinction is very frequently relied on between the freedom and the licentiousness of the press, which it is proper to examine. This

seems to me to refute every other argument which is used on this subject; it amounts to an admission that there are some acts of the press which Congress ought not to have power to restrain, and that by the amendment they are prohibited to restrain these acts. Now, to justify any act of Congress, they ought to show the boundary between what is prohibited and what is permitted, and that the act is not within the prohibited class. The Constitution has fixed no such boundary, therefore they can pretend to no power over the press, without claiming the right of defining what is freedom and what is licentiousness, and that would be to claim a right which would defeat the Constitution; for every Congress would have the same right, and the freedom of the press would fluctuate according to the will of the legislature. This is, therefore, only a new mode of claiming absolute power over the press.

It is said there is a common law which makes part of the law of the United States, which restrained the press more than the act of Congress has done, and that therefore there is no abridgment of its freedom. What this common law is I cannot conceive, nor have I seen anybody who could explain himself when he

was talking of it. It certainly is not a common law of the United States, acquired, as that of England was, by immemorial usage. The standing of the Government makes this impossible. It cannot be a code of laws adopted because they were universally in use in the States, for the States had no uniform code; and, if they had, it could hardly become, by implication, part of the code of a Government of limited powers, from which every thing is expressly retained which is not given. Is it the law of England, at any particular period, which is adopted? But the nature of the law of England makes it impossible that it should have been adopted in the lump into such a Government as this is, because it was a complete system for the management of all the affairs of a country. It regulated estates, punished all crimes, and, in short, went to all things for which laws were necessary. But how was this law adopted? Was it by the Constitution? If so, it is immutable and incapable of amendment. In what part of the Constitution is it declared to be adopted? Was it adopted by the courts? From whom do they derive their authority? The Constitution, in the clause first cited, relies on Congress to pass all laws neces-

sary to enable the courts to carry their powers into execution; it cannot, therefore, have been intended to give them a power not necessary to their declared powers. There does not seem to me the smallest pretext for so monstrous an assumption; on the contrary, while the Constitution is silent about it, every fair inference is against it.

Upon the whole, therefore, I am fully satisfied that no power is given by the Constitution to control the press, and that such laws are expressly prohibited by the amendment. I think it inconsistent with the nature of our Government that its administration should have power to restrain animadversions on public measures, and for protection from private injury from defamation the States are fully competent. It is to them that our officers must look for protection of persons, estates, and every other personal right; and, therefore, I see no reason why it is not proper to rely upon it for defence against private libels.

III.

THE RISE OF DEMOCRACY.

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THE inaugural address of President Jefferson has been given the first place under this period, notwithstanding the fact that it was not at all an oration. The inaugural addresses of presidents Washington and Adams were really orations, although written, depending for much of their effect on the personal presence of him who delivered the address; that of Jefferson was altogether a business document, sent to be read by the two houses of Congress for their information, and without any of the adjuncts of the orator.

It is impossible, nevertheless, to spare the inaugural address of the first Democratic President, for it is pervaded by a personality which, if quieter in its operation, was more potent in results than the most burning eloquence could

have been. The spirit of modern democracy, which has become, for good or evil, the common characteristic of all American parties and leaders, was here first put into living words. Triumphant in national politics, this spirit now had but one field of struggle, the politics of the States, and here its efforts were for years bent to the abolition of every remnant of limitation on individual liberty. Outside of New England, the change was accomplished as rapidly as the forms of law could be put into the necessary direction; remnants of ecclesiastical government, ecclesiastical taxes of even the mildest description, restrictions on manhood suffrage, State electoral systems, were the immediate victims of the new spirit, and the first term of Mr. Jefferson saw most of the States under democratic governments. Inside of New England, the change was stubbornly resisted, and, for a time, with success. For about twenty years, the general rule was that New England and Delaware were federalist, and the rest of the country was democratic. But even in New

England, a strong democratic minority was growing up, and about 1820 the last barriers of federalism gave way; Connecticut, the federalist "land of steady habits," accepted a new and democratic constitution; Massachusetts modified hers; and the new and reliably democratic State of Maine was brought into existence. The "era of good feeling" signalized the extinction of the federal party and the universal reign of democracy. The length of this period of contest is the strongest testimony to the stubbornness of the New England fibre. Estimated by States, the success of democracy was about as complete in 1803 as in 1817; but it required fifteen years of persistent struggle to convince the smallest section of the Union that it was hopelessly defeated.

The whole period was a succession of great events. The acquisition of Louisiana, stretching from the Mississippi to the Rocky Mountains, laid, in 1803, the foundations of that imperial domain which the steamboat and railroad were to convert to use in after-years. The con-

tinental empire of Napoleon and the island empire of Great Britain drifted into a struggle for life or death which hardly knew a breathing space until the last charge at Waterloo, and from the beginning it was conducted by both combatants with a reckless disregard of international public opinion and neutral rights which is hardly credible but for the official records. Every injury inflicted on neutral commerce by one belligerent was promptly imitated or exceeded by the other, and the two were perfectly in accord in insisting on the convenient doctrine of international law, that, unless neutral rights were enforced by the neutral against one belligerent, the injury became open to the imitation of the other. In the process of imitation, each belligerent took care to pass at least a little beyond the precedent; and thus, beginning with a paper blockade of the northern coast of the continent by the British Government, the process advanced, by alternate "retaliations," to a British proclamation specifying the ports of the world to which American ves-

sels were to be allowed to trade, stopping in England or its dependencies to pay taxes *en route*. These two almost contemporary events, the acquisition of Louisiana and the insolent pretensions of the European belligerents, were the central points of two distinct influences which bore strongly on the development of the United States.

The dominant party, the republicans, had a horror of a national debt which almost amounted to a mania. The associations of the term, derived from their reading of English history, all pointed to a condition of affairs in which the rise of a strong aristocracy was inevitable; and, to avoid the latter, they were determined to pay off the former. The payment for Louisiana precluded, in their opinion, the support of a respectable navy; and the remnants of colonialism in their party predisposed them to adopt an ostrich policy instead. The Embargo act was passed in 1807, forbidding all foreign commerce. The evident failure of this act to influence the belligerents brought about

its repeal in 1809, and the substitution of the Non-intercourse act. This prohibited commercial intercourse with England and France until either should revoke its injurious edicts. Napoleon, by an empty and spurious revocation in 1810, induced Congress to withdraw the act in respect to France, keeping it alive in respect to England. England refused to admit the sincerity of the French revocation, to withdraw her Orders in Council, or to cease impressing American seamen. The choice left to the United States was between war and submission

The federalist leaders saw that, while their party strength was confined to a continually decreasing territory, the opposing democracy not only had gained the mass of the original United States, but was swarming toward and beyond the Mississippi. They dropped to the level of a mere party of opposition; they went further until the only article of their political creed was State sovereignty; some of them went one step further, and dabbled in hopeless projects

for secession and the formation of a New England republic of five States. It is difficult to perceive any advantage to public affairs in the closing years of the federal party, except that, by impelling the democratic leaders to really national acts and sympathies, it unwittingly aided in the development of nationality from democracy.

If the essential characteristic of colonialism is the sense of dependence and the desire to imitate, democracy, at least in its earlier phases, begets the opposite qualities. The Congressional elections of 1810-11 showed that the people had gone further in democracy than their leaders. "Submission men" were generally defeated in the election; new leaders, like Clay, Calhoun, and Crawford, made the dominant party a war party, and forced the President into their policy; and the war of 1812 was begun. Its early defeats on land, its startling successes at sea, its financial straits, the desperation of the contest after the fall of Napoleon, and the brilliant victory which crowned its close, all

combined to raise the national feeling to the highest pitch; and the federalists, whose stock object of denunciation was "Mr. Madison's war," though Mr. Madison was about the most unwilling participant in it, came out of it under the ban of every national sympathy.

Democracy found its most congenial soil in the North, though it never exhibited the full sweep of its power until immigration began to assume its great proportions after 1830. As an example of the manner in which, in a democracy, eloquence affects public opinion, and public opinion controls individual action, Dr. Nott's sermon on the murder of Hamilton by Burr in a duel in 1804, has been placed under this period. Forcibly written and widely read, it made duelling an entirely sporadic disease thereafter in the Northern States. No such result would have been possible in the South, so long as society consisted of a dominant race, encamped amid a multitude of slaves, so long as "the night bell tolling for fire," if we take Randolph's terrible image, excited the instinc-

tive fear of negro insurrection; the military virtues of prompt personal daring influenced public opinion more strongly than the eloquence of a Demosthenes could have done.

The speech of Mr. Quincy, in many points one of the most eloquent of our political history, will show the brightest phase of federalism at its lowest ebb. One can hardly compare it with that of Mr. Clay, which follows it, without noticing the national character of the latter, as contrasted with the lack of nationality of the former. It seems, also, that Mr. Clay's speech carries, in its internal characteristics, sufficient evidence of the natural forces which tended to make democracy a national power, and not a mere adjunct of State sovereignty, wherever the oblique influence of slavery was absent. For this reason, it has been taken as a convenient introduction to the topic which follows, the Rise of Nationality.

THOMAS JEFFERSON,

OF VIRGINIA.

(BORN 1743, DIED 1826.)

INAUGURAL ADDRESS OF THOMAS JEFFERSON, AS PRESIDENT OF THE UNITED STATES, MARCH 4, 1801.

FRIENDS AND FELLOW-CITIZENS:

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness, that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in com-

merce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many, whom I see here, remind me, that, in the other high authorities provided by our Constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the

voice of the nation, announced according to the rules of the Constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect, that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and as capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared

by some, and less by others, and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists. If there be any among us who wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear, that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said, that man cannot be trusted with the government of himself. Can

he then be trusted with the government of others? Or, have we found angels in the form of kings, to govern him? Let history answer this question.

Let us then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradation of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them, enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to

make us a happy and prosperous people? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, upon the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently, those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preser-

vation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of the public reason; freedom of religion, freedom of the press, and freedom of person, under the protection of the *habeas corpus*, and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolu-

tion and reformation. The wisdom of our sages, and blood of our heroes, have been devoted to their attainment; they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man, to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be

thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good-will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

ELIPHALET NOTT.

(BORN 1773, DIED 1866.)

ON THE DEATH OF ALEXANDER HAMILTON, JULY 9, 1804—PRESBYTERIAN CHURCH, ALBANY, N. Y.

"*How are the mighty fallen.*"

I FEEL, my brethren, how incongruous my subject is with the place I occupy. It is humiliating; it is distressing in a Christian country, and in churches consecrated to the religion of Jesus, to be obliged to attack a crime which outstrips barbarism, and would even sink the character of a generous savage. But humiliating as it is, it is necessary. And must we then, even for a moment, forget the elevation on which grace hath placed us, and the light which the gospel sheds around us? Must we place ourselves back in the midst of barbarism; and instead of hearers, softened to forgiveness by the love of Jesus, filled with noble sentiments toward our

enemies, and waiting for occasions, after the example of divinity, to do them good; instead of such hearers, must we suppose ourselves addressing hearts petrified to goodness, incapable of mercy, and boiling with revenge? Must we, O my God! instead of exhorting those who hear us, to go on unto perfection, adding to virtue charity, and to charity brotherly kindness; must we, as if surrounded by an auditory just emerging out of darkness, and still cruel and ferocious, reason to convince them that revenge is improper, and that to commit deliberate murder is sin?

Yes, we must do this. Repeated violations of the law, and the sanctuary which the guilty find in public sentiment, prove that it is necessary.

Withdraw, therefore, for a moment, ye celestial spirits—ye holy angels accustomed to hover round these altars, and listen to those strains of grace which, heretofore, have filled this house of God. Other subjects occupy us. Withdraw, therefore, and leave us; leave us to exhort Christian parents to restrain their vengeance, and at least to keep back their hands from blood; to exhort youth, nurtured in Christian families, not rashly to sport with life, nor

lightly to wring the widow's heart with sorrows and fill the orphan's eye with tears.

In accomplishing the object which is before me, it will not be expected, as it is not necessary that I should give a history of duelling. You need not be informed that it originated in a dark and barbarous age. The polished Greek knew nothing of it; the noble Roman was above it. Rome held in equal detestation the man who exposed his life unnecessarily, and him who refused to expose it when the public good required it. Her heroes were superior to private contests. They indulged no vengeance except against the enemies of their country. Their swords were not drawn unless her honor was in danger; which honor they defended with their swords not only, but shielded with their bosoms also, and were then prodigal of their blood. But though Greece and Rome knew nothing of duelling, it exists. It exists among us; and it exists at once the most rash, the most absurd and guilty practice, that ever disgraced a Christian nation. Guilty—because it is a violation of the law. What law? The law of God. "Thou shalt not kill." This prohibition was delivered by God himself, at Sinai, to the Jews. And that it is of universal and per-

petual obligation is manifest from the nature of the crime prohibited not only, but also from the express declaration of the Christian lawgiver, who hath recognized its justice, and added to it the sanctions of his own authority.

"Thou shalt not kill." Who? Thou, creature. I, the Creator have given life, and thou shalt not take it away! When and under what circumstances may I not take away life? Never, and under no circumstances, without my permission. It is obvious that no discretion whatever is here given. The prohibition is addressed to every individual where the law of God is promulgated, and the terms made use of are express and unequivocal. So that life cannot be taken under any pretext, without incurring guilt, unless by a permission sanctioned by the same authority which sanctions the general law prohibiting it. From this law, it is granted, there are exceptions. These exceptions, however, do not result from any authority which one creature has over the existence of another, but from the positive appointment of that eternal Being, whose "is the world and the fulness thereof. In whose hand is the soul of every living creature, and the breath of all mankind." Even the authority which we claim

over the lives of animals is not founded on a natural right, but on a positive grant, made by the Deity himself to Noah and his sons. This grant contains our warrant for taking the lives of animals. But if we may not take the lives of animals without permission from God, much less may we the life of man, made in his image.

In what cases, then, has the Sovereign of life given this permission? In rightful war; by the civil magistrate: and in necessary self-defence. Besides these I do not hesitate to declare that in the oracles of God there are no others. He, therefore, who takes life in any other case, under whatever pretext, takes it unwarrantably, is guilty of what the Scriptures call murder, and exposes himself to the malediction of that God who is an avenger of blood, and who hath said: "At the hand of every man's brother will I require the life of man—whoso sheddeth man's blood, by man shall his blood be shed."

The duellist contravenes the law of God not only but the law of man also. To the prohibition of the former have been added the sanctions of the latter. Life taken in a duel, by the common law, is murder. And where this is not the case, the giving and receiving of a

challenge only, is, by statute, considered a high misdemeanor, for which the principal and his second are declared infamous and disfranchised for twenty years. Under what accumulated circumstances of aggravation does the duellist jeopardize his own life, or take the life of his antagonist? I am sensible that, in a licentious age, and when laws are made to yield to the vices of those who move in the higher circles, this crime is called by I know not what mild and accommodating name. But before these altars; in this house of God, what is it? It is murder—deliberate, aggravated murder. If the duellist deny this, let him produce his warrant from the author of life, for taking away from his creature the life which had been sovereignly given. If he cannot do this, beyond all controversy, he is a murderer; for murder consists in taking away life without the permission, and contrary to the prohibition of Him who gave it.

Who is it, then, that calls the duellist to the dangerous and deadly combat? Is it God? No; on the contrary, he forbids. Is it, then, his country? No; she also utters her prohibitory voice. Who is it then? A man of honor. A man, perhaps, whose honor is a name; who prates, with polluted lips, about the sacredness

of character, when his own is stained with crimes, and needs but the single shade of murder to complete the dismal and sickly picture, Every transgression of the divine law implies great guilt, because it is the transgression of infinite authority. But the crime of deliberately and lightly taking life has peculiar aggravations. It is a crime committed against the written law not only, but also against the dictates of reason, the remonstrances of conscience, and every tender and amiable feeling of the heart. To the unfortunate sufferer, it is the wanton violation of his most sacred rights. It snatches him from his friends and his comforts; terminates his state of trial, and precipitates him, uncalled for, and perhaps unprepared, into the presence of his Judge.

You will say the duellist feels no malice. Be it so. Malice, indeed, is murder in principle. But there may be murder in reason, and in fact, where there is no malice. Some other unwarrantable passion of principle may lead to the unlawful taking of human life. The highwayman, who cuts the throat and rifles the pocket of the passing traveller, feels no malice. And could he, with equal ease and no greater danger of detection, have secured his booty

without taking life, he would have stayed his arm over the palpitating bosom of his victim, and let the plundered suppliant pass. Would the imputation of cowardice have been inevitable to the duellist, if a challenge had not been given or accepted? The imputation of want had been no less inevitable to the robber, if the money of the passing traveller had not been secured. Would the duellist have been willing to have spared the life of his antagonist, if the point of honor could otherwise have been gained? So would the robber if the point of property could have been. Who can say that the motives of the one are not as urgent as the motives of the other? And the means, by which both obtain the object of their wishes, are the same. Thus, according to the dictates of reason, as well as the law of God, the highwayman and the duellist stand on ground equally untenable, and support their guilty havoc of the human race by arguments equally fallacious.

Is duelling guilty?—So it is absurd. It is absurd as a punishment, for it admits of no proportion to crimes; and besides, virtue and vice, guilt and innocence, are equally exposed by it, to death or suffering. As a reparation, it

is still more absurd, for it makes the injured liable to a still greater injury. And as the vindication of personal character, it is absurd even beyond madness.

One man of honor, by some inadvertence, or perhaps with design, injures the sensibility of another man of honor. In perfect character, the injured gentleman resents it. He challenges the offender. The offender accepts the challenge. The time is fixed. The place is agreed upon. The circumstances, with an air of solemn mania, are arranged; and the principals, with their seconds and surgeons, retire under the cover of some solitary hill, or upon the margin of some unfrequented beach, to settle this important question of honor, by stabbing or shooting at each other. One or the other, or both the parties, fall in this gentleman-like contest. And what does this prove? It proves that one or the other, or both of them, as the case may be, are marksmen. But it affords no evidence that either of them possesses honor, probity, or talents. It is true, that he who falls in single combat has the honor of being murdered; and he who takes his life, the honor of a murderer. Besides this, I know not of any glory that can redound to the infatuated

combatants, except it be what results from having extended the circle of wretched widows, and added to the number of hapless orphans. And yet, terminate as it will, this frantic meeting, by a kind of magic influence, entirely varnishes over a defective and smutty character; transforms vice to virtue, cowardice to courage; makes falsehood, truth; guilt, innocence,—in one word, it gives a new complexion to the whole state of things. The Ethiopian changes his skin, the leopard his spot, and the debauched and treacherous, having shot away the infamy of a sorry life, comes back to the field of perfectibility, quite regenerated, and, in the fullest sense, an honorable man. He is now fit for the company of gentlemen. He is admitted to that company, and should he again, by acts of vileness, stain this purity of character so nobly acquired, and should any one have the effrontery to say he has done so, again he stands ready to vindicate his honor, and by another act of homicide to wipe away the stain which has been attached to it * * *

Ah! ye tragic shores of Hoboken, crimsoned with the richest blood, I tremble at the crimes you record against us—the annual register of murders which you keep and send up to God!

Place of inhuman cruelty! beyond the limits of reason, of duty, and of religion, where man assumes a more barbarous nature, and ceases to be man! What poignant, lingering sorrows do thy lawless combats occasion to surviving relatives! Ye who have hearts of pity—ye who have experienced the anguish of dissolving friendship—who have wept, and still weep, over the mouldering ruins of departed kindred, ye can enter into this reflection.

"How are the mighty fallen!" And, regardless as we are of vulgar deaths, shall not the fall of the mighty affect us? A short time since, and he who is the occasion of our sorrows was the ornament of his country. He stood on an eminence, and glory covered him. From that eminence he has fallen, suddenly, forever fallen. His intercourse with the living world is now ended; and those who would hereafter find him must seek him in the grave * * * * Approach and behold, while I lift from his sepulchre its covering! Ye admirers of his greatness, ye emulous of his talents and his fame, approach and behold him now! How pale! How silent! No martial bands admire the adroitness of his movements; no fascinated throng weep, and melt, and tremble at his

eloquence! Amazing change! A shroud! a coffin! a narrow, subterraneous cabin! This is all that now remains of Hamilton! And is this all that remains of *him?* During a life so transitory, what lasting monument, then, can our fondest hopes erect?

My brethren! we stand on the borders of an awful gulf, which is swallowing up all things human. And is there, amidst this universal wreck, nothing stable, nothing abiding, nothing immortal, on which poor, frail, dying man can fasten? Ask the hero, ask the statesman, whose wisdom you have been accustomed to revere, and he will tell you. He will tell you, did I say? He has already told you from his death-bed, and his illumined spirit still whispers from the heavens the solemn admonition:

"Mortals! hastening to the tomb, and once the companions of my pilgrimage, take warning and avoid my errors; cultivate the virtues I have recommended; choose the Saviour I have chosen; live disinterestedly; live for immortality; and would you rescue any thing from final dissolution, lay it up in God."

JOHN RANDOLPH,

OF VIRGINIA.

(BORN 1773, DIED 1833.)

ON THE MILITIA BILL—HOUSE OF REPRESENTATIVES, DEC. 10, 1811.

MR. SPEAKER:

This is a question, as it has been presented to this House, of peace or war. In that light it has been argued; in no other light can I consider it, after the declarations made by members of the Committee of Foreign Relations * * *

The Committee of Foreign Relations have, indeed, decided that the subject of arming the militia (which has been pressed upon them as indispensable to the public security) does not come within the scope of their authority. On what ground, I have been, and still am, unable to see, they have felt themselves authorized to recommend the raising of standing armies, with a view (as has been declared) of immediate war

—a war not of defence, but of conquest, of aggrandizement, of ambition—a war foreign to the interests of this country; to the interests of humanity itself. * * *

I cannot refrain from smiling at the liberality of the gentleman in giving Canada to New York in order to strengthen the northern balance of power; while, at the same time, he forewarns her that the western scale must preponderate. I can almost fancy that I see the Capitol in motion toward the falls of Ohio; after a short sojourn, taking its flight to the Mississippi, and finally alighting at Darien; which, when the gentleman's dreams are realized, will be a most eligible seat of government for the new republic (or empire) of the two Americas! But it seems that in 1808 we talked and acted foolishly, and to give some color of consistency to that folly we must now commit a greater.

I hope we shall act a wise part; take warning by our follies since we have become sensible of them, and resolve to talk and act foolishly no more. It is, indeed, high time to give over such preposterous language and proceedings. This war of conquest, a war for the acquisition of territory and subjects, is to be a new com-

mentary on the doctrine that republicans are destitute of ambition; that they are addicted to peace, wedded to the happiness and safety of the great body of their people. But it seems this is to be a holiday campaign; there is to be no expense of blood, or of treasure on our part; Canada is to conquer herself; she is to be subdued by the principles of fraternity! The people of that country are first to be seduced from their allegiance and converted into traitors, as preparatory to making them good citizens! Although I must acknowledge that some of our flaming patriots were thus manufactured, I do not think the process would hold good with a whole community. It is a dangerous experiment. We are to succeed in the French mode, by the system of fraternization—all is French. But how dreadfully it might be retorted on the southern and western slave-holding States. I detest this subornation of treason. No; if we must have them, let them fall by the valor of our arms; by fair, legitimate conquest; not become the victims of treacherous seduction.

I am not surprised at the war spirit which is manifesting itself in gentlemen from the South. In the year 1805–6, in a struggle for the carrying trade of belligerent colonial produce, this country

was most unwisely brought into collision with the great powers of Europe. By a series of most impolitic aud ruinous measures, utterly incomprehensible to every rational, sober-minded man, the Southern planters, by their own votes, have succeeded in knocking down the price of cotton to seven cents, and of tobacco (a few choice crops excepted) to nothing; and in raising the price of blankets (of which a few would not be amiss in a Canadian campaign), coarse woollens, and every article of first necessity, three or four hundred *per centum*. And now, that by our own acts, we have brought ourselves into this unprecedented condition, we must get out of it in any way, but by an acknowledgment of our own want of wisdom and forecast. But is war the true remedy? Who will profit by it? Speculators; a few lucky merchants, who draw prizes in the lottery; commissaries and contractors. Who must suffer by it? The people. It is their blood, their taxes that must flow to support it. * * *

I am gratified to find gentlemen acknowledging the demoralizing and destructive consequences of the non-importation law; confessing the truth of all that its opponents foretold,

when it was enacted. And will you plunge yourselves in war, because you have passed a foolish and ruinous law, and are ashamed to repeal it? "But our good friend, the French emperor, stands in the way of its repeal, and we cannot go too far in making sacrifices to him, who has given such demonstration of his love for the Americans; we must, in point of fact, become parties to his war. Who can be so cruel as to refuse him that favor?" My imagination shrinks from the miseries of such a connection. I call upon the House to reflect, whether they are not about to abandon all reclamation for the unparalleled outrages, "insults, and injuries" of the French government; to give up our claim for plundered millions; and I ask what reparation or atonement they can expect to obtain in hours of future dalliance, after they shall have made a tender of their person to this great deflowerer of the virginity of republics. We have, by our own wise (I will not say wiseacre) measures, so increased the trade and wealth of Montreal and Quebec, that at last we begin to cast a wistful eye at Canada. Having done so much toward its improvement, by the exercise of "our restrictive energies," we begin to think the laborer worthy

of his hire, and to put in a claim for our portion. Suppose it ours, are we any nearer to our point? As his minister said to the king of Epirus, "May we not as well take our bottle of wine before as after this exploit?" Go! march to Canada! leave the broad bosom of the Chesapeake and her hundred tributary rivers; the whole line of sea-coast from Machias to St. Mary's, unprotected! You have taken Quebec —have you conquered England? Will you seek for the deep foundations of her power in the frozen deserts of Labrador?

> "Her march is on the mountain wave,
> Her home is on the deep!"

Will you call upon her to leave your ports and harbors untouched only just till you can return from Canada, to defend them? The coast is to be left defenceless, while men of the interior are revelling in conquest and spoil. * * *

No sooner was the report laid on the table, than the vultures were flocking around their prey—the carcass of a great military establishment. Men of tainted reputation, of broken fortune (if they ever had any), and of battered constitutions, "choice spirits tired of the dull pursuits of civil life," were seeking after agen-

cies and commissions, willing to doze in gross stupidity over the public fire; to light the public candle at both ends. Honorable men undoubtedly there are ready to serve their country; but what man of spirit, or of self-respect, will accept a commission in the present army? The gentleman from Tennessee (Mr. Grundy) addressed himself yesterday exclusively to the "Republicans of the House." I know not whether I may consider myself as entitled to any part of the benefit of the honorable gentleman's discourse. It belongs not, however, to that gentleman to decide. If we must have an exposition of the doctrines of republicanism, I shall receive it from the fathers of the church, and not from the junior apprentices of the law. I shall appeal to my worthy friends from Carolina (Messrs. Macon and Stanford), "men with whom I have measured my strength," by whose side I have fought during the reign of terror; for it was indeed an hour of corruption, of oppression, of pollution. It was not at all to my taste—that sort of republicanism which was supported, on this side of the Atlantic, by the father of the sedition law, John Adams, and by Peter Porcupine on the other. Republicanism! of John Adams and William Cobbett! * * *

Gallant crusaders in the holy cause of republicanism. Such "republicanism does, indeed, mean any thing or nothing." Our people will not submit to be taxed for this war of conquest and dominion. The government of the United States was not calculated to wage offensive foreign war; it was instituted for the common defence and the general welfare; and whosoever should embark it in a war of offence, would put it to a test which it is by no means calculated to endure. Make it out that Great Britain has instigated the Indians on a late occasion, and I am ready for battle, but not for dominion. I am unwilling, however, under present circumstances, to take Canada, at the risk of the Constitution, to embark in a common cause with France, and be dragged at the wheels of the car of some Burr or Bonaparte. For a gentleman from Tennessee, or Genesee, or Lake Champlain, there may be some prospect of advantage. Their hemp would bear a great price by the exclusion of foreign supply. In that, too, the great importers are deeply interested. The upper country of the Hudson and the lakes would be enriched by the supplies for the troops, which they alone could furnish. They would have the exclusive market; to say nothing of

the increased preponderance from the acquisition of Canada and that section of the Union, which the Southern and Western States have already felt so severely in the Apportionment bill. * * *

Permit me now, sir, to call your attention to the subject of our black population. I will touch this subject as tenderly as possible. It is with reluctance that I touch it at all; but in cases of great emergency, the State physician must not be deterred by a sickly, hysterical humanity, from probing the wound of his patient; he must not be withheld by a fastidious and mistaken delicacy from representing his true situation to his friends, or even to the sick man himself, when the occasion calls for it. What is the situation of the slave-holding States? During the war of the Revolution, so fixed were their habits of subordination, that while the whole country was overrun by the enemy, who invited them to desert, no fear was ever entertained of an insurrection of the slaves. During a war of seven years, with our country in possession of the enemy, no such danger was ever apprehended. But should we, therefore, be unobservant spectators of the progress of society within the last twenty years; of the

silent but powerful change wrought, by time and chance, upon its composition and temper? When the fountains of the great deep of abomination were broken up, even the poor slaves did not escape the general deluge. The French Revolution has polluted even them. * * *

Men, dead to the operation of moral causes, have taken away from the poor slave his habit of loyalty and obedience to his master, which lightened his servitude by a double operation; beguiling his own cares and disarming his master's suspicions and severity; and now, like true empirics in politics, you are called upon to trust to the mere physical strength of the fetter which holds him in bondage. You have deprived him of all moral restraint; you have tempted him to eat of the fruit of the tree of knowledge, just enough to perfect him in wickedness; you have opened his eyes to his nakedness; you have armed his nature against the hand that has fed, that has clothed him, that has cherished him in sickness; that hand which before he became a pupil of your school, he had been accustomed to press with respectful affection. You have done all this—and then show him the gibbet and the wheel, as incentives to a sullen, repugnant obedience. God

forbid, sir, that the Southern States should ever see an enemy on their shores, with these infernal principles of French fraternity in the van. While talking of taking Canada, some of us are shuddering for our own safety at home. I speak from facts, when I say, that the night-bell never tolls for fire in Richmond, that the mother does not hug her infant more closely to her bosom. I have been a witness of some of the alarms in the capital of Virginia. * * *

Against whom are these charges brought? Against men, who in the war of the Revolution were in the councils of the nation, or fighting the battles of your country. And by whom are they made? By runaways chiefly from the British dominions, since the breaking out of the French troubles. It is insufferable. It cannot be borne. It must and ought, with severity, to be put down in this House; and out of it to meet the lie direct. We have no fellow-feeling for the suffering and oppressed Spaniards! Yet even them we do not reprobate. Strange! that we should have no objection to any other people or government, civilized or savage, in the whole world! The great autocrat of all the Russias receives the homage of our high consideration. The Dey of Algiers

and his divan of pirates are very civil, good sort of people, with whom we find no difficulty in maintaining the relations of peace and amity. "Turks, Jews, and infidels"; Melimelli or the Little Turtle; barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and trade. Name, however, but England, and all our antipathies are up in arms against her. Against whom? Against those whose blood runs in our veins; in common with whom, we claim Shakespeare, and Newton, and Chatham, for our countrymen; whose form of government is the freest on earth, our own only excepted; from whom every valuable principle of our own institutions has been borrowed—representation, jury trial, voting the supplies, writ of habeas corpus, our whole civil and criminal jurisprudence;—against our fellow Protestants, identified in blood, in language, in religion, with ourselves. In what school did the worthies of our land, the Washingtons, Henrys, Hancocks, Franklins, Rutledges of America, learn those principles of civil liberty which were so nobly asserted by their wisdom and valor? American reistance to British usurpation has not been more warmly cherished

by these great men and their compatriots; not more by Washington, Hancock, and Henry, than by Chatham and his illustrious associates in the British Parliament. It ought to be remembered, too, that the heart of the English people was with us. It was a selfish and corrupt ministry, and their servile tools, to whom we were not more opposed than they were. I trust that none such may ever exist among us; for tools will never be wanting to subserve the purposes, however ruinous or wicked, of kings and ministers of state. I acknowledge the influence of a Shakespeare and a Milton upon my imagination, of a Locke upon my understanding, of a Sidney upon my political principles, of a Chatham upon qualities which, would to God I possessed in common with that illustrious man! of a Tillotson, a Sherlock, and a Porteus upon my religion. This is a British influence which I can never shake off. I allow much to the just and honest prejudices growing out of the Revolution. But by whom have they been suppressed, when they ran counter to the interests of my country? By Washington. By whom, would you listen to them, are they most keenly felt? By felons escaped from the jails of Paris, Newgate, and Kilmainham, since the

breaking out of the French Revolution; who, in this abused and insulted country, have set up for political teachers, and whose disciples give no other proof of their progress in republicanism, except a blind devotion to the most ruthless military despotism that the world ever saw. These are the patriots, who scruple not to brand with the epithet of Tory, the men (looking toward the seat of Col. Stewart) by whose blood your liberties have been cemented. These are they, who hold in such keen remembrance the outrages of the British armies, from which many of them are deserters. Ask these self-styled patriots where they were during the American war (for they are, for the most part, old enough to have borne arms), and you strike them dumb; their lips are closed in eternal silence. If it were allowable to entertain partialities, every consideration of blood, language, religion, and interest, would incline us toward England: and yet, shall they alone be extended to France and her ruler, whom we are bound to believe a chastening God suffers as the scourge of a guilty world! On all other nations he tramples; he holds them in contempt; England alone he hates; he would, but he cannot, despise her; fear cannot despise; and shall we disparage our ancestors?

But the outrages and injuries of England—bred up in the principles of the Revolution—I can never palliate, much less defend them. I well remember flying, with my mother and her new-born child, from Arnold and Philips; and we were driven by Tarleton and other British Pandours from pillar to post, while her husband was fighting the battles of his country. The impression is indelible on my memory; and yet (like my worthy old neighbor, who added seven buckshot to every cartridge at the battle of Guilford, and drew fine sight at his man) I must be content to be called a Tory by a patriot of the last importation. Let us not get rid of one evil (supposing it possible) at the expense of a greater; *mutatis mutandis*, suppose France in possession of the British naval power—and to her the trident must pass should England be unable to wield it—what would be your condition? What would be the situation of your seaports, and their seafaring inhabitants? Ask Hamburg, Lubec! Ask Savannah! * * *

Shall republicans become the instruments of him who has effaced the title of Attila to the "scourge of God!" Yet, even Attila, in the falling fortunes of civilization, had, no doubt, his advocates, his tools, his minions, his para-

sites, in the very countries that he overran; sons of that soil whereon his horse had trod; where grass could never after grow. If perfectly fresh, instead of being as I am, my memory clouded, my intellect stupefied, my strength and spirits exhausted, I could not give utterance to that strong detestation which I feel toward (above all other works of the creation) such characters as Gengis, Tamerlane, Kouli-Khan, or Bonaparte. My instincts involuntarily revolt at their bare idea. Malefactors of the human race, who have ground down man to a mere machine of their impious and bloody ambition! Yet under all the accumulated wrongs, and insults, and robberies of the last of these chieftains, are we not, in point of fact, about to become a party to his views, a partner in his wars? * * *

I call upon those professing to be republicans to make good the promises, held out by their republican predecessors, when they came into power; promises which, for years afterward, they honestly, faithfully fulfilled. We have vaunted of paying off the national debt, of retrenching useless establishments; and yet have now become as infatuated with standing armies, loans, taxes, navies, and war as ever were the Essex Junto!

JOSIAH QUINCY,

OF MASSACHUSETTS.

(BORN 1772, DIED 1864.)

ON THE ADMISSION OF LOUISIANA—HOUSE OF REPRESENTATIVES, JAN. 14, 1811.

MR. SPEAKER:

I address you, sir, with anxiety and distress of mind, with me, wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation, which they expect to see pass without other questions than those concerning details. But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that, in no great length of time it may produce it. When I see the zeal and perseverance with which this bill has been urged along its parliamentary path, when I know the local interests and associ-

ated projects which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate. But, sir, while there is life, there is hope. So long as the fatal shaft has not yet sped, if Heaven so will, the bow may be broken and the vigor of the mischief-meditating arm withered. If there be a man in this House or nation, who cherishes the Constitution, under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave, by the prospects it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this Constitution, in veneration for the sages who laid its foundations, in devotion to those principles which form its cement and constitute its proportions. What then must be my feelings; what ought to be the feelings of a man, cherishing such sentiments, when he sees an act contemplated which lays ruin at the foot of all these hopes? When he sees a principle of action about to be usurped, before the operation of which the bands of this Constitution are no more than flax before the fire, or stubble be-

fore the whirlwind. When this bill passes, such an act is done; and such a principle is usurped.

Mr. Speaker, there is a great rule of human conduct, which he who honestly observes, cannot err widely from the path of his sought duty. It is, to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the result of their application; and to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare *it as my deliberate opinion, that, if this bill passes, the bonds of this union are, virtually, dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, to prepare, definitely, for a separation: amicably, if they can; violently, if they must.*

(Mr. Quincy was here called to order by Mr. Poindexter, delegate from the Mississippi territory, for the words in italics. After it was decided, upon an appeal to the House, that Mr. Quincy was in order, he proceeded.)

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights

of the people, in one of their representatives. When I spoke of the separation of the States, as resulting from the violation of the Constitution contemplated in this bill, I spoke of it as a necessity, deeply to be deprecated; but as resulting from causes so certain and obvious as to be absolutely inevitable, when the effect of the principle is practically experienced. It is to preserve, to guard the Constitution of my country, that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset. These observations are not made in a corner; there is no low intrigue; no secret machination. I am on the people's own ground; to them I appeal concerning their own rights, their own liberties, their own intent, in adopting this Constitution. The voice I have uttered, at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people, and by the event, if this bill passes, I am willing to be judged, whether it be not a voice of wisdom.

The bill which is now proposed to be passed has this assumed principle for its basis; that the three branches of this national government, without recurrence to conventions of the peo-

ple in the States, or to the Legislatures of the States, are authorized to admit new partners to a share of the political power, in countries out of the original limits of the United States. Now, this assumed principle, I maintain to be altogether without any sanction in the Constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature, dissolving, according to undeniable principles of moral law, the obligations of our national compact; and leading to all the awful consequences which flow from such a state of things. Concerning this assumed principle, which is the basis of this bill, this is the general position, on which I rest my argument; that if the authority, now proposed to be exercised, be delegated to the three branches of the government by virtue of the Constitution, it results either from its general nature, or from its particular provisions. I shall consider distinctly both these sources, in relation to this pretended power.

Touching the general nature of the instrument called the Constitution of the United States there is no obscurity; it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness

of passed, unexplored ages; it is the fabric of our day. Some now living, had a share in its construction; all of us stood by, and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution, for the United States of America."

It is, we the people of the United States, for ourselves and our posterity; not for the people of Louisana; nor for the people of New Orleans or of Canada. None of these enter into the scope of the instrument; it embraces only "the United States of America." Who these are, it may seem strange in this place to inquire. But truly, sir, our imaginations have, of late, been so accustomed to wander after new settlements to the very ends of the earth, that it will not be time ill spent to inquire what this phrase means, and what it includes. These are

not terms adopted at hazard; they have reference to a state of things existing anterior to the Constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed definitely the name by which they would be designated. In 1774, they called themselves "the Colonies and Provinces of North America." In 1775, "the Representatives of the United Colonies of North America." In the Declaration of Independence, "the Representatives of the United States of America." And finally, in the articles of confederation, the style of the confederacy is declared to be "the United States of America." It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preamble to this Constitution, not content, simply, with declaring that it is "we the people of the United States," who enter into this compact, adds that it is for "the United States of America." Concerning the territory contemplated by the people of the United States, in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, the St. Croix, the

lakes, and more precisely, so far as relates to the frontier, having relation to the present argument, within "a line to be drawn through the middle of the river Mississippi, until it intersect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean."

I have been thus particular to draw the minds of gentlemen, distinctly, to the meaning of the terms used in the preamble; to the extent which "the United States" then included; and to the fact, that neither New Orleans, nor Louisiana, was within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say, that there is nothing, in the general nature of this compact, from which the power, contemplated to be exercised in this bill, results. On the contrary, as the introduction of a new associate in political power implies, necessarily, a new division of power, and consequent diminution of the relative proportion of the former proprietors

of it, there can, certainly, be nothing more obvious, than that from the general nature of the instrument no power can result to diminish and give away, to strangers, any proportion of the rights of the original partners. If such a power exist, it must be found, then, in the particular provisions in the Constitution. The question now arising is, in which of these provisions is given the power to admit new States, to be created in territories beyond the limits of the old United States. If it exist anywhere, it is either in the third section of the fourth article of the Constitution, or in the treaty-making power. If it result from neither of these, it is not pretended to be found anywhere else.

That part of the third section of the fourth article, on which the advocates of this bill rely, is the following: "New States may be admitted by the Congress, into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

I know, Mr. Speaker, that the first clause of this paragraph has been read, with all the su-

perciliousness of a grammarian's triumph—"New States may be admitted by the Congress into this Union,"—accompanied with this most consequential inquiry: "Is not this a new State to be admitted? And is there not here an express authority?" I have no doubt this is a full and satisfactory argument to every one who is content with the mere colors and superficies of things. And if we were now at the bar of some stall-fed justice, the inquiry would insure the victory to the maker of it, to the manifest delight of the constables and suitors of his court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their Constitution. These are not to be made the victims of the inevitable obscurity of general terms; nor the sport of verbal criticism. The question is concerning the intent of the American people, the proprietors of the old United States, when they agreed to this article. Dictionaries and spelling-books are here of no authority. Neither Johnson, nor Walker, nor Webster, nor Dilworth, has any voice in this matter. Sir, the question concerns the proportion of power reserved, by this Constitution, to every State in this Union. Have the three branches of this

government a right, at will, to weaken and outweigh the influence, respectively secured to each State in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States? The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theatre, in which this government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop until the very name and nature of the old partners be overwhelmed by new-comers into the confederacy. Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article, is, therefore, an injury of most serious import; and is to be settled only by a recurrence to the known history and known relations of this people and their Constitution. These, I maintain, support this position, that the terms "new States," in this article, do not intend new political sovereignties, with territorial annexations, to be created without the original limits of the United States. * * *

But there is an argument stronger even than all those which have been produced, to be drawn from the nature of the power here proposed to be exercised. Is it possible that such a power, if it had been intended to be given by the people, should be left dependent upon the effect of general expressions, and such, too, as were obviously applicable to another subject, to a particular exigency contemplated at that time? Sir, what is this power we propose now to usurp? Nothing less than a power changing all the proportions of the weight and influence possessed by the potent sovereignties composing this Union. A stranger is to be introduced to an equal share without their consent. Upon a principle pretended to be deduced from the Constitution, this government, after this bill passes, may and will multiply foreign partners in power at its own mere motion; at its irresponsible pleasure; in other words, as local interests, party passions, or ambitious views may suggest. It is a power that from its nature never could be delegated; never was delegated; and as it breaks down all the proportions of power guaranteed by the Constitution to the States, upon which their essential security depends, utterly annihilates the moral force of this

political conduct. Would this people, so wisely vigilant concerning their rights, have transferred to Congress a power to balance, at its will, the political weight of any one State, much more of all the States, by authorizing it to create new States, at its pleasure, in foreign countries, not pretended to be within the scope of the Constitution, or the conception of the people at the time of passing it? This is not so much a question concerning the exercise of sovereignty, as it is who shall be sovereign—whether the proprietors of the good old United States shall manage their own affairs in their own way; or whether they, and their Constitution, and their political rights, shall be trampled under foot by foreigners, introduced through a breach of the Constitution. The proportion of the political weight of each sovereign State constituting this Union depends upon the number of the States which have voice under the compact. This number the Constitution permits us to multiply at pleasure within the limits of the original United States, observing only the expressed limitations in the Constitution. But when, in order to increase your power of augmenting this number, you pass the old limits, you are guilty of a violation of the Constitu-

tion in a fundamental point; and in one, also, which is totally inconsistent with the intent of the contract and the safety of the States which established the association. What is the practical difference to the old partners whether they hold their liberties at the will of a master, or whether by admitting exterior States on an equal footing with the original States, arbiters are constituted, who, by availing themselves of the contrariety of interests and views, which in such a confederacy necessarily will arise, hold the balance among the parties which exist and govern us by throwing themselves into the scale most comformable to their purpose? In both cases there is an effective despotism. But the last is the more galling, as we carry the chain in the name and gait of freemen.

I have thus shown, and whether fairly, I am willing to be judged by the sound discretion of the American people, that the power proposed to be usurped in this bill, results neither from the general nature nor the particular provisions of the Federal Constitution; and that it is a palpable violation of it in a fundamental point; whence flow all the consequences I have indicated.

"But," says the gentleman from Tennessee

(Mr. Rhea), "these people have been seven years citizens of the United States." I deny it, sir. As citizens of New Orleans, or of Louisiana, they never have been, and by the mode proposed they never will be, citizens of the United States. They may girt upon us for a moment, but no real cement can grow from such an association. What the real situation of the inhabitants of those foreign countries is, I shall have occasion to show presently. "But," says the same gentleman: "if I have a farm, have not I a right to purchase another farm, in my neighborhood, and settle my sons upon it, and in time admit them to a share in the management of my household?" Doubtless, sir. But are these cases parallel? Are the three branches of this government owners of this farm, called the United States? I desire to thank heaven they are not. I hold my life, liberty, and property, and the people of the State from which I have the honor to be a representative hold theirs, by a better tenure than any this National Government can give. Sir, I know your virtue. And I thank the Great Giver of every good gift, that neither the gentleman from Tennessee, nor his comrades, nor any, nor all the members of this House, nor of the other branch of the Legisla-

ture, nor the good gentleman who lives in the palace yonder, nor all combined, can touch these my essential rights, and those of my friends and constituents, except in a limited and prescribed form. No, sir. We hold these by the laws, customs, and principles of the commonwealth of Massachusetts. Behind her ample shield, we find refuge, and feel safety. I beg gentlemen not to act upon the principle, that the commonwealth of Massachusetts is their farm.

"But," the gentleman adds, "what shall we do, if we do not admit the people of Louisiana into our Union? Our children are settling that country." Sir, it is no concern of mine what he does. Because his children have run wild and uncovered into the woods, is that a reason for him to break into my house, or the houses of my friends, to filch our children's clothes, in order to cover his children's nakedness. This Constitution never was, and never can be, strained to lap over all the wilderness of the West, without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and Red River country. And whenever it is attempted

to be stretched over them, it will rend asunder. I have done with this part of my argument. It rests upon this fundamental principle, that the proportion of political power, subject only to internal modifications, permitted by the Constitution, is an unalienable, essential, intangible right. When it is touched, the fabric is annihilated ; for, on the preservation of these proportions, depend our rights and liberties.

If we recur to the known relations existing among the States at the time of the adoption of this Constitution, the same conclusions will result. The various interests, habits, manners, prejudices, education, situation, and views, which excited jealousies and anxieties in the breasts of some of our most distinguished citizens, touching the result of the proposed Constitution, were potent obstacles to its adoption. The immortal leader of our Revolution, in his letter to the President of the old Congress, written as president of the convention which formed this compact, thus speaks on this subject: "It is at all times difficult to draw, with precision, the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference

among the several States, as to their situation, extent, habits, and particular interests."

The debates of that period will show that the effect of the slave votes upon the political influence of this part of the country, and the anticipated variation of the weight of power to the West, were subjects of great and just jealousy to some of the best patriots in the Northern and Eastern States. Suppose, then, that it had been distinctly foreseen that, in addition to the effect of this weight, the whole population of a world beyond the Mississippi was to be brought into this and the other branch of the Legislature, to form our laws, control our rights, and decide our destiny. Sir, can it be pretended that the patriots of that day would for one moment have listened to it? They were not madmen. They had not taken degrees at the hospital of idiocy. They knew the nature of man, and the effect of his combinations in political societies. They knew that when the weight of particular sections of a confederacy was greatly unequal, the resulting power would be abused; that it was not in the nature of man to exercise it with moderation. The very extravagance of the intended use is a conclusive evidence against the possi-

bility of the grant of such a power as is here proposed. Why, sir, I have already heard of six States, and some say there will be, at no great distance of time, more. I have also heard that the mouth of the Ohio will be far to the east of the centre of the contemplated empire. If the bill is passed, the principle is recognized. All the rest are mere questions of expediency. It is impossible such a power could be granted. It was not for these men that our fathers fought. It was not for them this Constitution was adopted. You have no authority to throw the rights and liberties and property of this people into "hotch-pot" with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans, who bask on the sands in the mouth of the Mississippi. I make no objection to these from their want of moral qualities or political light. The inhabitants of New Orleans are, I suppose, like those of all other countries, some good, some bad, some indifferent.

I will add only a few words, in relation to the moral and political consequences of usurping this power. I have said that it would be a virtual dissolution of the Union; and gentlemen express great sensibility at the expression.

But the true source of terror is not the declaration I have made, but the deed you propose. Is there a moral principle of public law better settled, or more conformable to the plainest suggestions of reason, than that the violation of a contract by one of the parties may be considered as exempting the other from its obligations? Suppose, in private life, thirteen form a partnership, and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership, after so palpable an infringement of their rights? How much more, in the political partnership, where the admission of new associates, without previous authority, is so pregnant with obvious dangers and evils! Again, it is settled as a principle of morality, among writers on public law, that no person can be obliged, beyond his intent at the time of contract. Now who believes, who dare assert, that it was the intention of the people, when they adopted this Constitution, to assign, eventually, to New Orleans and Louisiana, a portion of their political power; and to invest all the people those extensive regions might hereafter contain, with an authority over themselves and their descendants? When you throw

the weight of Louisiana into the scale, you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed that, beyond its fair and acknowledged intent, such a compact has no moral force? If gentlemen are so alarmed at the bare mention of the consequences, let them abandon a measure which, sooner or later, will produce them. How long before the seeds of discontent will ripen, no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the Northern and Atlantic States will, or ought to, look on with patience and see Representatives and Senators, from the Red River and Missouri, pouring themselves upon this and the other floor, managing the concerns of a sea-board fifteen hundred miles, at least, from their residence; and having a preponderancy in councils, into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger and to hide himself. This great usurpation, which

creeps into this House, under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things, there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature, and conformable to the acknowledged principles of the Constitution, the sceptre of power, in this country, is passing toward the Northwest. Sir, there is to this no objection. The right belongs to that quarter of the country. Enjoy it; it is yours. Use the powers granted as you please. But take care, in your haste after effectual dominion, not to overload the scale by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution. * * *

New States are intended to be formed beyond the Mississippi. There is no limit to men's imaginations, on this subject, short of California and Columbia River. When I said that the bill would justify a revolution and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences I would call the attention of this

House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil, and to warn and prepare the people against the event. I have no hesitation on the subject. The extension of this principle to the States contemplated beyond the Mississippi, cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better; the more hope that the evils may be palliated or removed.

Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and future, as well as the present. We live not for ourselves alone. That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system, prescribed in the Constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are

violated, in essential particulars, all the concurrent spheres of authority rush against each other; and disorder, derangement, and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fears about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, any thing universal in its nature. Sir, I confess it: the first public love of my heart is the Commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors—

> "Low lies that land, yet blest with fruitful stores,
> Strong are her sons, though rocky are her shores;
> And none, ah! none, so lovely to my sight,
> Of all the lands which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil, and is rooted in it. I cherish it, because it affords the best external

hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans; but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a death-blow to the Constitution. It may, afterward, linger; but, lingering, its fate will, at no very distant period, be consummated.

HENRY CLAY,

OF KENTUCKY.

(BORN 1777, DIED 1852.)

ON THE WAR OF 1812—HOUSE OF REPRESENTATIVES. JAN. 8, 1813.

SIR, gentlemen appear to me to forget that they stand on American soil; that they are not in the British House of Commons, but in the chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts of another country, and, forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me whether I do not view with regret and horror the concentration of such vast power in the hands of Bona-

parte, I reply that I do. I regret to see the Emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of the globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the Empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries and other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe or all Europe

combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French Emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most repectful attention. An honorable gentleman from Massachusetts (Mr. Quincy), of whom I am sorry to say it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir. In 1801 he snatched from the rude hand of usurpation the violated Constitution of his country, and that is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for this he can never be forgiven. How vain and impotent is party rage, directed against such a man. He is not more elevated by his lofty residence, upon the summit of his

own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides than is this illustrious man by the howlings of the whole British pack, set loose from the Essex kennel. When the gentleman to whom I have been compelled to allude shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to as one of the happiest and brightest epochs of American history; an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has already secured to himself a more imperishable fame than I had supposed; I think it was about four years that he submitted to the House of Representatives an initiative proposition for the impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman de-

bated it with his usual temper, moderation, and urbanity. The house decided upon it in the most solemn manner, and, although the gentleman had somehow obtained a second, the final vote stood one for, and one hundred and seventeen against, the proposition. * * *

But sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot, of a much more serious and alarming character—a plot that aims at the dismemberment of our Union—had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints and to transactions in a particular quarter of the Union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some who have been unworthily as-

sociated with them in the quarter of the Union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this house, "peaceably if we can, forcibly if we must," nearly at the very time Henry's mission was undertaken. The flagitiousness of that embassy had been attempted to be concealed by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated on a proposition so infamous and unnatural * * * But, sir, I will quit this unpleasant subject. * * *

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise, "thus far shalt thou go, and no further"—orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had

instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. While speaking of the proceedings on that occasion I beg to be permitted to advert to another fact which transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. McKee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom seven belonged to this side of the house, and three only to the other. * * *

It is not to the British principle (of alle-

giance), objectionable as it is, that we are alone to look; it is to her practice, no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle which, if it were theoretically right, must be forever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that in particular the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They

resemble the passes which the master grants to his negro slave: "Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear-mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies), are protected by the flag. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you; but I cannot, my son, fight for you." If

he did not consider this mere mockery, the poor tar would address her judgment and say: "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject; I am a native of old Massachusetts, where lived my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?" Appealing to her passions, he would continue: "I lost this eye in fighting under Truxton, with the *Insurgente*; I got this scar before Tripoli; I broke this leg on board the *Constitution*, when the *Guerrière* struck." * * * I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection. * * *

An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is we

triumphed over her once, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but, if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMEN'S RIGHTS.

IV.

THE RISE OF NATIONALITY.

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THE RISE OF NATIONALITY.

In spite of execrable financial management, of the criminal blunders of political army officers, and of consequent defeats on land, and quite apart from brilliant sea-fights and the New Orleans victory, the war of 1812 was of incalculable benefit to the United States. It marks more particularly the point at which the already established democracy began to shade off into a real nationality.

The Democratic party began its career as a States-rights party. Possession of national power had so far modified the practical operation of its tenets that it had not hesitated to carry out a national policy, and even wage a desperate war, in flat opposition to the will of one section of the Union, comprising five of its most influential States; and, when the Hartford

Convention was suspected of a design to put the New England opposition to the war into a forcible veto, there were many indications that the dominant party was fully prepared to answer by a forcible materialization of the national will. In the North and West, at least, the old States-rights formulas never carried a real vitality beyond the war of 1812. Men still spoke of "sovereign States," and prided themselves on the difference between the "voluntary union of States" and the effete despotisms of Europe; but the ghost of the Hartford Convention had laid very many more dangerous ghosts in the section in which it had appeared.

The theatre of the war, now filled with comfortable farms and populous cities, was then less known than the Territories of Idaho and Arizona are in 1884. There were no roads, and the transportation of provisions for the troops, of guns, ammunition, and stores for the lake navies, was one of the most difficult of the problems which the National Government was called upon to solve. It cannot be said that

the solution was successfully reached, for the blunders in transportation were among the most costly, exasperating, and dangerous of the war. But the efforts to reach it provided the impulse which soon after resulted in the settlement of Western New York, the appearance of the germs of such flourishing cities as Buffalo, Rochester, and Syracuse, the opening up of the Southwest Territory, between Tennessee and New Orleans, and the rapid admission of the new States of Indiana, Illinois, Mississippi, and Missouri. But the impulse did not stop here. The inconveniences and dangers arising from the possession of a vast territory with utterly inadequate means of communication had been brought so plainly to public view by the war that the question of communication influenced politics in every direction. In New York it took shape in the construction of the Erie Canal (finished in 1825). In States farther west and south, the loaning of the public credit to enterprises of the nature of the Erie Canal increased until the panic of 1837 introduced

"repudiation" into American politics. In national politics, the necessity of a general system of canals and roads, as a means of military defence, was at first admitted by all, even by Calhoun, was gradually rejected by the stricter constructionists of the Constitution, and finally became a tenet of the National Republican party, headed by John Quincy Adams and Clay (1825-29), and of its greater successor the Whig party, headed by Clay. This idea of Internal Improvements at national expense, though suggested by Gallatin and Clay in 1806–08, only became a political question when the war had forced it upon public attention; and it has not yet entirely disappeared.

The maintenance of such a system required money, and a high tariff of duties on imports was a necessary concomitant to Internal Improvements. The germ of this system was also a product of the war of 1812. Hamilton had proposed it twenty years before; and the first American tariff act had declared that its object was the encouragement of American manufac-

tures. But the system had never been effectively introduced until the war and the blockade had forced American manufactures into existence. Peace brought competition with British manufacturers, and the American manufacturers began to call for protection. The tariff of 1816 contained the principle of Protection, but only carried it into practice far enough to induce the manufacturers to rely on the dominant party for more of it. This expectation, rather than the Federalist opposition to the war, is the explanation of the immediate and rapid decline of the Federal party in New England. Continued effort brought about the tariff of 1824, which was more protective; the tariff of 1828, which was still more protective; and the tariff of 1830, which reduced the protective element to a system.

The two sections, North and South, had been very much alike until the war called the principle of growth into activity. The slave system of labor, which had fallen in the North and had survived and been made still more

profitable in the South by Whitney's invention of the cotton gin in 1793, shut the South off from almost all share in the new life. That section had a monopoly of the cotton culture, and the present profit of slave labor blinded it to the ultimate consequences of it. The slave was fit for rude agriculture alone; he could not be employed in manufactures, or in any labor which required intelligence; and the slave-owner, while he desired manufactures, did not dare to cultivate the necessary intelligence in his own slaves. The South could therefore find no profit in protection, and yet it could not with dignity admit that its slave system precluded it from the advantages of protection, or base its opposition to protection wholly on economic grounds. Its only recourse was the constitutional ground of the lack of power of Congress to pass a protective tariff, and this brought up again the question which had evolved the Kentucky resolutions of 1798–9. Calhoun, with pitiless logic, developed them into a scheme of constitutional Nullification. Under his lead,

South Carolina, in 1832, declared through her State Convention that the protective tariff acts were no law, nor binding on the State, its officers or citizens. President Jackson, while he was ready and willing to suppress any such rebellion by force, was not sorry to see his adherents in Congress make use of it to overthrow protection; and a "compromise tariff," to which the protectionists agreed, was passed in 1833. It reduced the duties by an annual percentage for ten years. The nullifiers claimed this as a triumph, and formally repealed the ordinance of nullification, as if it had accomplished its object. But, in its real intent, it had failed wretchedly. It had asserted State sovereignty through the State's proper voice of a convention. When the time fixed for the execution of the ordinance arrived, Jackson's intention of taking the State's sovereignty by the throat had become so evident that an unofficial meeting of nullifiers suspended the ordinance until the passage of the compromise tariff had made it unnecessary. For the first time, the force of a

State and the national force had approached threateningly near collision, and no State ever tried it again. When the tariff of 1842 re-introduced the principle of protection, no one thought of taking the broken weapon of nullification from its resting-place; and secession was finally attempted only as a sectional movement, not as the expression of the will of a State, but as a concerted revolution by a number of States. It seems certain that nationality had attained force enough, even in 1833, to have put State sovereignty forever under its feet; and that but for the cohesive sectional force of slavery and its interests, the development of nationality would have been undisputed for the future.

New conditions were increasing the growth of the North and West, and their separation from the South in national life, even when nullification was in its death struggle. The acquisition of Louisiana in 1803 had been followed in 1807 by Fulton's invention of the steamboat, the most important factor in carrying immigra-

tion into the new territories and opening them up to settlement. But the steamboat could not quite bridge over the gap between the Alleghanies and the Mississippi. Internal improvements, canals, and improved roads were not quite the instrument that was needed. It was found at last in the introduction of the railway into the United States in 1830–32. This proved to be an agent which could solve every difficulty except its own. It could bridge over every gap; it could make profit of its own, and make profitable that which had before been unprofitable. It placed immigrants where the steamboat, canal, and road could at last be of the highest utility to them; it developed the great West with startling rapidity; it increased the sale of government lands so rapidly that in a few years the debt of the United States was paid off, and the surplus became, for the first time, a source of political embarrassment. In a few years further, aided by revolutionary troubles in Europe, immigration became a great stream, which poured into and altered the con-

ditions of every part of the North and West. The stream was altogether nationalizing in its nature. The immigrant came to the United States, not to a particular State. To him, the country was greater than any State; even that of his adoption. Labor conditions excluded the South from this element of progress also. Not only were the railroads of the South hampered in every point by the old difficulty of slave labor; immigration and free labor shunned slave soil as if the plague were there prevalent. Year after year the North and West became more national in their prejudices and modes of thought and action; while the South remained little changed, except by a natural reactionary drift toward a more extreme colonialism. The natural result, in the next period was the development of a *quasi* nationality in the South itself.

The introduction of the railway had brought its own difficulties, though these were not felt severely until after years. In the continent of Europe, the governments carefully retained

their powers of eminent domain when the new system was introduced. The necessary land was loaned to the railways for a term of years, at the expiration of which the railway was to revert to the State; and railway troubles were non-existent, or comparatively tractable. In the United States, as in Great Britain, free right of incorporation was supplemented by what was really a gift of the power of eminent domain. The necessary land became the property of the corporations in fee, and it has been found almost equally difficult to revoke the gift or to introduce a railway control.

Democracy took a new and extreme line of development under its alliance with nationality. As the dominant party, about 1827–8, became divided into two parties, the new parties felt the democratic influence as neither of their predecessors had felt it. Nominations, which had been made by cliques of legislators or Congressmen, began to be made by popular delegate conventions about 1825. Before 1835, national, State, and local conventions had been

united into parties of the modern type. With them came the *pseudo* democratic idea of "rotation in office," introduced into national politics by President Jackson, in 1829, and adopted by succeeding administrations. There were also some attempts to do away with the electoral system, and to make the federal judiciary elective, or to impose on it some other term of office than good behavior; but these had neither success nor encouragement.

The financial errors of the war of 1812 had fairly compelled the re-establishment of the Bank of the United States in 1816, with a charter for twenty years, and the control of the deposits of national revenue. Soon after Jackson's inauguration, the managers of the new democratic party came into collision with the bank on the appointment of a subordinate agent. It very soon became evident that the bank could not exist in the new political atmosphere. It was driven into politics; a new charter was vetoed in 1832; and after one of the bitterest struggles of our history, the bank

ceased to exist as a government institution in 1836. The reason for its fall, however disguised by attendant circumstances, was really its lack of harmony with the national-democratic environment which had overtaken it.

The anti-slavery agitation, which began in 1830, was as evidently a product of the new phase of democracy, but will fall more naturally under the next period.

Webster's reply to Hayne has been taken as the best illustration of that thoroughly national feeling which was impossible before the war of 1812, and increasingly more common after it. It has been necessary to preface it with Hayne's speech, in order to have a clear understanding of parts of Webster's; but it has not been possible to omit Calhoun's speech, as a defence of his scheme of nullification, and as an exemplification of the reaction toward colonialism with which the South met the national development. It has not seemed necessary to include examples of the orations called forth by the temporary political issues of the time.

JOHN C. CALHOUN,

OF SOUTH CAROLINA.

(BORN 1782, DIED 1850.)

ON NULLIFICATION AND THE FORCE BILL, IN THE UNITED STATES SENATE, FEB. 15, 1833.

MR. PRESIDENT:

At the last session of Congress, it was avowed on all sides that the public debt, as to all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the Treasury and the bonds for duties which had already accrued; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties, but a reduction of such a character that, while it diminished the

amount of burden, it distributed that burden more unequally than even the obnoxious act of 1828; reversing the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus that, instead of relief—instead of an equal distribution of burdens and benefits of the government, on the payment of the debt, as had been fondly anticipated,—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other; thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our Constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the Secretary of the Treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief through the action of the General Government terminated; and the crisis so long apprehended at length arrived, at which

the State was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, could save her. She determined on the latter.

The consent of two thirds of her Legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle the States-right party succeeded; more than two thirds of both branches of the Legislature favorable to a convention were elected; a convention was called—the ordinance adopted. The convention was succeeded by a meeting of the Legislature, when the laws to carry the ordinance into execution were enacted—all of which have been communicated by the President, have been referred to the Committee on the Judiciary, and this bill is the result of their labor.

Having now corrected some of the prominent misrepresentations as to the nature of this controversy, and given a rapid sketch of the movement of the State in reference to it, I will

next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation that has been levelled against it, I view this provision of the ordinance as but the natural result of the doctrines entertained by the State, and the position which she occupies. The people of Carolina believe that the Union is a union of States, and not of individuals; that it was formed by the States, and that the citizens of the several States were bound to it through the acts of their several States; that each State ratified the Constitution for itself, and that it was only by such ratification of a State that any obligation was imposed upon its citizens. Thus believing, it is the opinion of the people of Carolina that it belongs to the State which has imposed the obligation to declare, in the last resort, the extent of this obligation, as far as her citizens are concerned; and this upon the plain principles which exist in all analogous cases of compact between sovereign bodies. On this principle the people of the State, act-

ing in their sovereign capacity in convention, precisely as they did in the adoption of their own and the Federal Constitution, have declared, by the ordinance, that the acts of Congress which imposed duties under the authority to lay imposts, were acts not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the State themselves, acting as a sovereign community, is as obligatory on the citizens of the State as any portion of the Constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the Constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed, under the Constitution of the United States, to be administered to all the officers of the State and Federal Governments; and is no more deserving the harsh and bitter epithets which have been heaped upon it than that or any similar oath. It ought to be borne in mind that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional acts of Congress belongs to the State, and not to her individual citizens; and that, though the

latter may, in a mere question of *meum* and *tuum*, resist through the courts an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the State of which they are members; and such act of resistance by a State binds the conscience and allegiance of the citizen. But there appears to be a general misapprehension as to the extent to which the State has acted under this part of the ordinance. Instead of sweeping every officer by a general proscription of the minority, as has been represented in debate, as far as my knowledge extends, not a single individual has been removed. The State has, in fact, acted with the greatest tenderness, all circumstances considered, toward citizens who differed from the majority; and, in that spirit, has directed the oath to be administered only in the case of some official act directed to be performed in which obedience to the ordinance is involved. * * *

It is next objected that the enforcing acts have legislated the United States out of South Carolina. I have already replied to this objection on another occasion, and will now but repeat what I then said: that they have been legislated out only to the extent that they had

no right to enter. The Constitution has admitted the jurisdiction of the United States within the limits of the several States only so far as the delegated powers authorize; beyond that they are intruders, and may rightfully be expelled; and that they have been efficiently expelled by the legislation of the State through her civil process, as has been acknowledged on all sides in the debate, is only a confirmation of the truth of the doctrine for which the majority in Carolina have contended.

The very point at issue between the two parties there is, whether nullification is a peaceful and an efficient remedy against an unconstitutional act of the General Government, and may be asserted, as such, through the State tribunals. Both parties agree that the acts against which it is directed are unconstitutional and oppressive. The controversy is only as to the means by which our citizens may be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the State tribunals, the measures adopted to enforce the ordinance, of course received the most decisive character. We were

not children, to act by halves. Yet for acting thus efficiently the State is denounced, and this bill reported, to overrule, by military force, the civil tribunal and civil process of the State! Sir, I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply intrenched in the principles of our system, that it cannot be assailed but by prostrating the Constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional; that it infracts the constitution of South Carolina, although, to me, the objection appears absurd, as it was adopted by the very authority which adopted the constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a State and the General Government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws

of Congress? The State stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the State? But one answer can be given: That, in a contest between the State and the General Government, if the resistance be limited on both sides to the civil process, the State, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the Federal Government, sustained by its delegated and limited authority; and in this answer we have an acknowledgment of the truth of those great principles for which the State has so firmly and nobly contended. * * *

Notwithstanding all that has been said, I may say that neither the Senator from Delaware (Mr. Clayton), nor any other who has spoken on the same side, has directly and fairly met the great question at issue: Is this a Federal Union? a union of States, as distinct from that of individuals? Is the sovereignty in the several States, or in the American people in the aggregate? The very language which we are compelled to use when speaking of our

political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of States. They never apply to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several States, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the States severally and the United States? In spite of all that has been said, I maintain that sovereignty is in its nature indivisible. It is the supreme power in a State, and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the *exercise* of sovereign powers with *sovereignty* itself, or the *delegation* of such powers with the *surrender* of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may im-

pose; but to surrender any portion of his sovereignty to another is to annihilate the whole. The Senator from Delaware (Mr. Clayton) calls this metaphysical reasoning, which he says he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than I do; but if, on the contrary, he means the power of analysis and combination—that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole in one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute—which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or a Laplace, and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected

such wonders when directed to the laws which control the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purposes of political science and legislation? I hold them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may, indeed fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon, when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connection with this part of the subject, I understood the Senator from Virginia (Mr. Rives) to say that sovereignty was divided, and that a portion remained with the States severally, and that the residue was vested in the Union. By Union, I suppose the Senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four States, in whatever light he may view them, our opinions will not disagree; but according to my con-

ception, the whole sovereignty is in the several States, while the exercise of sovereign power is divided—a part being exercised under compact, through this General Government, and the residue through the separate State Governments. But if the Senator from Virginia (Mr. Rives) means to assert that the twenty-four States form but one community, with a single sovereign power as to the objects of the Union, it will be but the revival of the old question, of whether the Union is a union between States, as distinct communities, or a mere aggregate of the American people, as a mass of individuals; and in this light his opinions would lead directly to consolidation. * * *

Disguise it as you may, the controversy is one between power and liberty; and I tell the gentlemen who are opposed to me, that, as strong as may be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power under every disadvantage, and among them few more striking than that of our own Revolution; where, as strong as was the parent country, and feeble as were the colonies, yet, under the impulse of liberty, and the

blessing of God, they gloriously triumphed in the contest. There are, indeed, many striking analogies between that and the present controversy. They both originated substantially in the same cause—with this difference—in the present case, the power of taxation is converted into that of regulating industry; in the other, the power of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were I to trace the analogy further, we should find that the perversion of the taxing power, in the one case, has given precisely the same control to the Northern section over the industry of the Southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies in the other; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother-country had a monopoly, are almost identically the same as those in which the Southern States are permitted to have a free trade by the act of 1832, and in which the Northern States have, by the same act, secured a monopoly. The only difference is in the means. In the former, the colonies were permitted to have a free trade with all

countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that, the trade of the colonies was prohibited, except through the mother-country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finisterre, we shall find them almost identical with the list of the protected and unprotected articles contained in the list of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American Revolution, and the measures adopted, and the motives assigned to bring on that contest (to enforce the law), are almost identically the same.

But to return from this digression to the consideration of the bill. Whatever difference of opinion may exist upon other points, there is one on which I should suppose there can be none; that this bill rests upon principles which, if carried out, will ride over State sovereignties, and that it will be idle for any advocates hereafter to talk of State rights. The Senator from Virginia (Mr. Rives) says that he is the advocate of State rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts

on this occasion, yet, in supporting this bill, he obliterates every vestige of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponent of the rights of the States. I will also add, what I am compelled to say, that I must consider him (Mr. Rives) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, while his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chooses to call them, have brought State rights into disrepute. I must tell him, in reply, that what he calls new-fangled are but the doctrines of '98; and that it is he (Mr. Rives), and others with him, who, professing these doctrines, have degraded them by explaining away their meaning and efficacy. He (Mr. R.) has disclaimed, in behalf of Virginia, the authorship of nullification. I will not dispute that point. If Virginia chooses to throw away one of her brightest ornaments, she must not hereafter complain that it has become the property of another. But while I have, as a representative of Carolina, no right to complain of the disavowal of the Sena-

tor from Virginia, I must believe that he (Mr. R.) has done his native State great injustice by declaring on this floor, that when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the Constitution, the States, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights, and liberties appertaining to them," she meant no more than to proclaim the right to protest and to remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterward sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

ROBERT Y. HAYNE,

OF SOUTH CAROLINA.

(BORN 1791, DIED 1839.)

ON MR. FOOT'S RESOLUTION IN THE UNITED STATES SENATE, JAN. 21, 1830.

MR. SPEAKER:

Mr. Hayne said, when he took occasion, two days ago, to throw out some ideas with respect to the policy of the government in relation to the public lands, nothing certainly could have been further from his thoughts than that he should have been compelled again to throw himself upon the indulgence of the Senate. Little did I expect, said Mr. H., to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts (Mr. Webster). Sir, I question no man's opinions; I impeach no man's motives; I charged no party, or State, or section of country with hostility to any other, but ventured, as I thought,

in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri (Mr. Benton), it is true, had charged upon the Eastern States an early and continued hostility toward the West, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and instead of making up his issue with the gentleman from Missouri, on the charges which *he had preferred*, chooses to consider me as the author of those charges, and losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest offered from the West,

and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view which he has not ventured to disclose. Mr. President, why is this? Has the gentleman discovered in former controversies with the gentleman from Missouri, that he is overmatched by that senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of "new alliances to be formed," at which he hinted? Has the ghost of the murdered coalition come back, like the ghost of Banquo, to "sear the eyeballs" of the gentleman, and will not down at his bidding? Are dark visions of broken hopes, and honors lost forever, still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defence of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made

upon them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri, if he can—and if he win the victory, let him wear the honors; I shall not deprive him of his laurels. * * *

Sir, any one acquainted with the history of parties in this country will recognize in the points now in dispute between the Senator from Massachusetts and myself the very grounds which have, from the beginning, divided the two great parties in this country, and which (call these parties by what names you will, and *amalgamate* them as you may) will divide them forever. The true distinction between those parties is laid down in a celebrated manifesto issued by the convention of the Federalists of Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the re-election of Governor Eustis. The gentleman will recognize this as "the canonical book of political scripture"; and it instructs us that, when the American colonies redeemed themselves from British bondage, and became so many *independent nations*, they proposed to form a NATIONAL UNION (not a *Federal* Union, sir, but a NATIONAL UNION).

Those who were in favor of a union of the States in this form became known by the name of Federalists; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of Anti-Federalists. By means which need not be enumerated, the Anti-Federalists became (after the expiration of twelve years) our national rulers, and for a period of sixteen years, until the close of Mr. Madison's administration in 1817, continued to exercise the exclusive direction of our public affairs. Here, sir, is the true history of the origin, rise, and progress of the party of National Republicans, who date back to the very origin of the Government, and who then, as now, chose to consider the Constitution as having created not a Federal, but a National, Union; who regarded "consolidation" as no evil, and who doubtless consider it "a consummation to be wished" to build up a great "central government," "one and indivisible." Sir, there have existed, in every age and every country, two distinct orders of men—the *lovers of freedom* and the devoted *advocates of power.*

The same great leading principles, modified only by the peculiarities of manners, habits, and institutions, divided parties in the ancient

republics, animated the Whigs and Tories of Great Britain, distinguished in our own times the Liberals and Ultras of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant Riego, who devoted himself and all that he possessed to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amid the deafening cries of "Long live the absolute king!" The people whom I represent, Mr. President, are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty"; and while that shall be preserved, they will always be found manfully struggling against the *consolidation of the Government* AS THE WORST OF EVILS. * * *

Who, then, Mr. President, are the true friends of the Union? Those who would confine the Federal Government strictly within the limits prescribed by the Constitution; who would preserve to the States and the people all powers not expressly delegated; who would make this a Federal and not a National Union, and who, administering the Government in a spirit of equal justice, would make it a blessing, and not

a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the States, and adding strength to the Federal Government; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all descriptions of men, I consider those as the worst enemies of the Union, who sacrifice the equal rights which belong to every member of the confederacy to combinations of interested majorities for personal or political objects. But the gentleman apprehends no evil from the dependence of the States on the Federal Government; he can see no danger of corruption from the influence of money or patronage. Sir, I know that it is supposed to be a wise saying that "patronage is a source of weakness"; and in support of that maxim it has been said that "every ten appointments make a hundred enemies." But I am rather inclined to think, with the eloquent and sagacious orater now reposing on his laurels on the banks of the Roanoke, that "the power of conferring favors creates a crowd of dependents"; he gave a forcible illustration of the truth of the remark, when he told us of the

effect of holding up the savory morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on "Towzer" or "Sweetlips," "Tray," "Blanche," or "Sweetheart"; while held in suspense, they were all governed by a nod, and when the morsel was bestowed, the expectation of the favors of to-morrow kept up the subjection of to-day.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the Constitution." He calls it "an idle" or "a ridiculous notion," or something to that effect, and added, that it would make the Union a "mere rope of sand." Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies; and there, for the present, I am perfectly willing to leave the controversy. The South Carolina

doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the Legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98—the doctrine of the celebrated "Virginia Resolutions" of that year, and of "Madison's Report" of '99. It will be recollected that the Legislature of Virginia, in December, '98, took into consideration the alien and sedition laws, then considered by all Republicans as a gross violation of the Constitution of the United States, and on that day passed, among others, the following resolution :—

"The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are the parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil,

and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

In addition to the above resolution, the General Assembly of Virginia "appealed to the other States, in the confidence that they would concur with that commonwealth, that the acts aforesaid (the alien and sedition laws) are unconstitutional, and that the necessary and proper measures would be taken by each for coöperating with Virginia in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people." * * *

But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the Declaration of American Independence. In those resolutions, the Legislature of Kentucky declare, "that the government created by this compact was not made the exclusive or final judge of the extent of the power delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has

an equal right to judge for itself as well of infractions as of the mode and measure of redress." * * *

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the federal and republican parties; and the great political revolution which then took place turned upon the very questions involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask, gentlemen, whether South Carolina has not manifested a high regard for the Union, when, under a tyranny ten times more grievous than the alien and sedition laws, she has hitherto gone no further than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional and utterly destructive of her interests. Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to

go, in relation to the present subject of our present complaints—not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the Senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine that it is the right of a State to judge of the violations of the Constitution on the part of the Federal Government, and to protect her citizens from the operations of unconstitional laws, was held by the enlightened citizens of Boston, who assembled in Faneuil Hall, on the 25th of January, 1809. They state, in that celebrated memorial, that "they looked only to the State Legislature, which was competent to devise relief against the unconstitutional acts of the General Government. That your power (say they) is adequate to that object, is evident from the organization of the confederacy." * * *

Thus it will be seen, Mr. President, that the South Carolina doctrine is the Republican doctrine of '98,—that it was promulgated by the fathers of the faith,—that it was maintained by Virginia and Kentucky in the worst of times,—that it constituted the very pivot on which the political revolution of that day

turned,—that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its power, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all, or any, of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically "a government without limitation of powers." The States are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them,

she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal Government, and leaves them nothing they can call their own. Sir, if the measures of the Federal Government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No! but the payment of half of twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if acting on these high motives—if animated by that ardent love

of liberty which has always been the most prominent trait in the Southern character, we would be hurried beyond the bounds of a cold and calculating prudence; who is there, with one noble and generous sentiment in his bosom, who would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty?"

DANIEL WEBSTER,

OF MASSACHUSETTS.

(BORN 1782, DIED 1852.)

IN REPLY TO HAYNE, IN THE UNITED STATES SENATE, JANUARY 26, 1830.

MR. PRESIDENT:

When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and before we float further on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Public Lands

be instructed to inquire and report the quantity of public land remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of Surveyor-General, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands.

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it will readily occur to everyone, that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—every thing, general or local, whether belonging to national politics or party politics—seems to have attracted more or less of the honorable member's attention, save only the resolution before the Senate. He has spoken of every thing but the public lands; they have escaped

his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which he thus kindly informed us was coming, that we might stand out of the way, or prepare ourselves to fall by it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded, it is not the first time in the history of human affairs, that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to

relieve. (Mr. Hayne rose, and disclaimed having used the word *rankling*.) It would not, Mr. President, be safe for the honorable member to appeal to those around him, upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing, either originating *here*, or now received *here* by the gentleman's shot. Nothing originating here, for I had not the slightest feeling of unkindness toward the honorable member. Some passages, it is true, had occurred since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy and forgotten them. I paid the honorable member the attention of listening with respect to his first speech; and when

he sat down, though surprised, and I must even say astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare. Through the whole of the few remarks I made in answer, I avoided, studiously and carefully, every thing which I thought possible to be construed into disrespect. And, Sir, while there is thus nothing originating *here* which I have wished at any time, or now wish, to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached their destination, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I slept on his speech. I must have slept on it, or not slept at all. The moment the honora-

ble member sat down, his friend from Missouri rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the Senate should adjourn. Would it have been quite amiable in me, Sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward, to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others also the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting the next morning, in attention to the subject of this debate. Nevertheless, Sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect, also, I possess some advantage over the honorable

member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well.

But the gentleman inquires why HE was made the object of such a reply. Why was *he* singled out? If an attack has been made on the East, he, he assures us, did not begin it; it was made by the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I choose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, sir, this interrogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him in this debate, from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri. If, sir, the honorable member, *modestiæ gratia*, had chosen thus to defer to his friend, and to pay him compliments, without intentional disparagement to others, it would have been quite ac-

cording to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and the manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer whether I deemed the member from Missouri an overmatch for myself in debate here. It seems to me, sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate, a Senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters,

we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of his friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as a matter of taunt, I throw it back, and say to the gentleman, that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony,

which otherwise, probably, would have been its general acceptation. But, sir, if it be imagined by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset; or if it be thought that, by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any, or all of these things will shake any purpose of mine, I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion, I hope on no occasion, to be betrayed into any loss of temper; but if provoked, as I trust I never shall be, into crimination and recrimination, the honorable member may, perhaps, find that in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own, and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources. * * *

On yet another point, I was still more unac-

countably misunderstood. The gentlemen had harangued against "consolidation." I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the consolidation of our Union; that this was precisely that consolidation to which I feared others were not attached, and that such consolidation was the very end of the Constitution, the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words, "the consolidation of the Union," and expressed my devotion to this sort of consolidation. I said, in terms, that I wished not in the slightest degree to augment the powers of this government; that my object was to preserve, not to enlarge; and that by consolidating the Union I understood no more than the strengthening of the Union, and perpetuating it. Having been thus explicit, having thus read from the printed book the precise words which I adopted, as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the government, or for consolidation in that odious sense in which it means an accumulation, in the Federal Government, of the powers properly belonging to the States.

I repeat, sir, that, in adopting the sentiments of the framers of the Constitution, I read their language audibly, and word for word; and I pointed out the distinction, just as fully as I have now done, between the consolidation of the Union and that other obnoxious consolidation which I disclaim. And yet the honorable member misunderstood me. The gentleman had said that he wished for no fixed revenue, —not a shilling. If by a word he could convert the Capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentleman told us, it tends to consolidation. Now this can mean neither more nor less than that a common revenue is a common interest, and that all common interests tend to preserve the union of the States. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling of fixed revenue. So much, sir, for consolidation. * * *

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and let-

ting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exibited in the last thirty years. * * *

New England has, at times, so argues the gentleman, held opinions as dangerous as those which he now holds. Suppose this were so; how should *he* therefore abuse New England? If he find himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, sir, if in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a Tory, a British agent, a man who in his high office sanctioned corruption. But does the honorable member suppose, if I had a tender here who should put such an effusion of wickedness and folly into my hand, that I would stand up and read it against the South? Parties ran into great heats again in 1799 and 1800. What was said, sir, or rather what was not said, in those years, against John

Adams, one of the committee that drafted the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wishes to increase his stores of party abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them. * * * The gentleman's purveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing him samples of the other. I leave to him, and to them, the whole concern. It is enough for me to say, that if, in any part of their grateful occupation, if, in all their researches, they find any thing in the history of Massachusetts, or of New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightingly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference in political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings in like manner, *to all similar proceedings, wherever else found.* * * *

Mr. President, in carrying his warfare, such as it is, into New England, the honorable gentleman all along professes to be acting on the defensive. He chooses to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions, in regard to revenue and some other topics, which I heard with both pain and surprise. I told the gentleman I was aware that such sentiments were entertained *out* of the Government, but had not expected to find them advanced in it; that I knew there were persons in the South who speak of our Union with indifference or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to impair its strength. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on

the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings in Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I assailed the character of the State, her honor, or patriotism, that I reflected on her history or her conduct, he has not the slightest grounds for any such assumption. * * * I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for my countrymen, one and all, the Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions,—Americans all, whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he esteem me less capable of

gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts, instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir; increased gratification and delight, rather. I thank God that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, sir, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happens to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue, in any son of the South; and if, moved by local prejudices or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections;

let me indulge in refreshing remembrances of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation, and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter upon no encomium of Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain for ever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every State from New England to Georgia, and there they will lie forever. And, sir, where American Liberty raised its first voice, and where its youth was nurtured and sustained,

there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk and tear it, if folly and madness, if uneasiness under salutary and necessary restraint shall succeed in separating it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the profoundest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved upon me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But,

sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain that it is a right of the State Legislatures to interfere whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the General Government, of checking it and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the General Government, or any branch of it; but that, on the contrary, the

States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

I understand him to insist, that, if the exigencies of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the General Government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct State interference at State discretion, the right

of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals besides the honorable gentleman who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. "The sovereignty of the State,—never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

[Mr. HAYNE here rose and said, that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution as follows:—

"That this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact. the States that are parties thereto

have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them.

Mr. WEBSTER resumed :]

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me always. But before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, that, *in the case of the dangerous exercise of powers not granted by the General Government, the States may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does

it mean no more than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory, and practice, too, of the English Constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose, throw off any government when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed. But I do not understand the doctrine now contended for to be that, which, for the sake of distinction, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government lies in a direct appeal to the interference of the State governments.

[Mr. HAYNE here arose and said: He did

not contend for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in a case of plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional.

Mr. WEBSTER resumed:]

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges. The proposition, that, in case of a supposed violation of the Constitution by

Congress, the States have a constitutional right to interfere and annul the law of Congress is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say, the right of a State to annul a law of Congress cannot be maintained, but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the General Government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of

this government and the source of its power. Whose agent is it? Is it the creature of the State Legislatures, or the creature of the people? If the Government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the docrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but that it is the creature of each of the States, severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be supreme law. We must either ad-

mit the proposition, or deny their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the General Government, so far the grant is unquestionably good, and the Government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The General Government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The National Government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves. So far as the people have restrained State sovereignty by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have re-

ferred propounds that State sovereignty is only to be controlled by its own "feeling of justice" —that is to say, it is not to be controlled at all, for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." The opinion referred to, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again, for the purpose of ascertaining

more fully what is the length and breadth of that doctrine denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved, that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the federal compact, and such a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the General Government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them when their contract is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to pro-

mote the interest of the manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express the same opinion, by the voice of her Legislature. That would be very imposing; but what then? It so happens that, at the very moment, when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. *They* hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How

does he relieve us from this difficulty upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old Confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind any body else, and this constitutional law the only bond of their union! What is such a state of things but a mere connection during pleasure, or to use the phraseology of the times, *during feeling?* And that feeling, too, not the feeling of the people,

who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that, appealing with confidence to the Constitution itself, to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinion above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentle-

man. Or, it may be more properly said, it is identical with it, rather than a result from it. * * *

Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration *resolves*, also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces

her dissentient fraction to a single vote. Now, sir, again, I ask the gentleman, What is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or, rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions, to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that consequently a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority in a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility,

I had almost used a stronger word, of conceding this power of interference to the State, and then attempting to secure it from abuse by imposing qualifications of which the States themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion and beyond the control of the States; or else we have no constitution of general government, and are thrust back again to the days of the Confederation. * * *

I must now beg to ask, sir, whence is this supposed right of the States derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains, is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no

more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. * * *

This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a constitution, and in that constitution they have enumerated the powers which they bestow on it. They have made it

a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States, or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid the possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion or State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only

recommend; their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of powers to Congress, and restrictions on these powers. There are also prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the Constitution and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, any thing in the Constitution or laws of any State to the contrary notwithstanding.*"

This, sir, was the first great step. By this the supremacy of the Constitution and the laws

of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also, by declaring, "*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions cover the whole ground. They are, in truth, the keystone of the arch! With these it is a government, without them a confederation. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are past. Having constituted the Government, and declared its powers, the people have further said, that, since somebody must decide on the extent of these powers, the Government shall itself decide; subject, always, like other

popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere? Who, or what gives them the right to say to the people: "We, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them!" The reply would be, I think, not impertinent: "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that, in an extreme case, a State government may protect the people from intolerable oppression. Sir, in such a case the people might protect themselves without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it.

They have chosen to repose this power in the General Government, and I think it my duty to support it like other constitutional powers.

For myself, sir, I do not admit the competency of South Carolina or any other State to prescribe my constitutional duty; or to settle, between me and the people the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of the clauses. I have not stipulated by my oath of office or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could any thing have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions

of others; and each at liberty, too, to give a new constitution on every new election of its own members? Would any thing, with such a principle in it, or rather with such a destitution of all principle be fit to be called a government? No, sir. It should not be denominated a constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

To avoid all possibility of being misunderstood, allow me to repeat again in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted is witheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the General Government would be good for nothing, it would be incapable of long existing, if some mode had not been provided in which those doubts as they should arise, might be peaceably but authoritatively solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done, and I wish to be informed *how* this State interference is to be put in practice, without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue, the marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march,

sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner! It will have a preamble, setting forth, that the tariff laws are palpable, deliberate, and dangerous violations of the Constitution! He will proceed, with this banner flying, to the custom-house in Charleston,

> "All the while,
> Sonorous metal blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would not, probably, desist at his bidding. He would show him the law of Congress, the treasury instruction, and his own oath of office. He would say, he should perform his duty, come what come might.

Here would ensue a pause; for they say that a certain stillness precedes the tempest. The

trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed upon a little point of law; for they have doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, somewhat concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional?* He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend

us? "Look at my floating banner," he would reply; "see there the nullifying law!"

Is it your opinion, gallant commander, they would then say, that, if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That may all be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma, like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, "Defend yourselves with your bayonets"; and this is war—civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which

the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues that, if this Government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this mat-

ter, if left to the exercise of State legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be, that the right *ought not* to have been lodged with the General Government; he may like better such a Constitution as we should have had under the right of State interference; but I ask him to meet me on the plain matter of fact. I ask him to meet me on the Constitution itself. I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what are the grounds of it? Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the General Government, they can alter that distribution at will.

If any thing be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction, unacceptable to them, be

established so as to become practically a part of the Constitution, they will amend it, at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do any thing for themselves. They imagine there is no safety for them, any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety, in regard to the General Constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the Government themselves, in doubtful cases, should put on their powers, under their oaths of office, and subject to their responsibility to them, just as the people of a State trust to their own governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause.

Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State but as a poor dependent on State permission. It must borrow leave to be; and will be, no

longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust, faithfully to preserve and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot,

even now, persuade myself to relinquish it, without expressing, once more my deep conviction, that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this Government, whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day at least that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal

blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto, no such miserable interrogotary as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterward"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,—Liberty *and* Union, now and forever, one and inseparable!

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